

1 RESOLUTION NO. 2003-227

2 A RESOLUTION OF THE BOARD OF DIRECTORS OF
3 THE COACHELLA VALLEY WATER DISTRICT APPROVING
4 ENVIRONMENTAL FINDINGS, A STATEMENT OF OVERRIDING CONSIDERATIONS
5 AND A MITIGATION MONITORING AND REPORTING PROGRAM PURSUANT TO
6 THE CALIFORNIA ENVIRONMENTAL QUALITY
7 ACT AND APPROVING THE IMPLEMENTATION OF THE
8 QUANTIFICATION SETTLEMENT AGREEMENT

9 WHEREAS, the Quantification Settlement Agreement would implement major
10 components of California's draft Colorado River Water Use Plan and provide part of the
11 mechanism for California to reduce its diversions of Colorado River water to the state's normal
12 year apportionment of 4.4 million acre-feet ("QSA" or "Proposed Project"); and

13 WHEREAS, the QSA components would provide a framework for conservation measures
14 and water transfers for a period of up to 75 years; and

15 WHEREAS, the Coachella Valley Water District ("CVWD or District"), the Imperial
16 Irrigation District ("IID"), and The Metropolitan Water District of Southern California ("MWD")
17 are signatories to the QSA; and

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

21 WHEREAS, pursuant to Public Resources Code sections 21000 et seq. and State CEQA
22 Guidelines section 15051, CVWD is a co-lead agency for the Final PEIR with IID, MWD and the
23 San Diego County Water Authority; and

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

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

28 WHEREAS, these negotiations concluded in September 2003 and resulted in minor
29 modifications to the QSA; and

30 WHEREAS, pursuant to State CEQA Guidelines Section 15164, Subdivision (a), a lead
31 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 in December 2002 and September 2003 addenda to the
6 Final PEIR pursuant to CEQA and the State CEQA Guidelines ("Addenda"); and

7 WHEREAS, the CVWD Board of Directors ("Board of Directors"), after evaluating the
8 environmental impacts associated with the minor modifications to the Proposed Project, found
9 that none of the conditions requiring preparation of a subsequent or supplemental EIR occurred
10 from the modifications of the QSA and approved Addenda to the Final PEIR on December 10,
11 2002, and September 24, 2003, respectively; and

12 WHEREAS, all the requirements of CEQA and the State CEQA Guidelines have been
13 satisfied by CVWD in the Final PEIR, the Addendum, the Findings and Statement of Overriding
14 Considerations, and the Mitigation Monitoring and Reporting Program attached thereto, which is
15 sufficiently detailed so that all of the potentially significant environmental effects of the Proposed
16 Project have been evaluated properly; and

17 WHEREAS, prior to taking action, the Board of Directors have heard, been presented
18 with, reviewed and considered all of the information and data in the administrative record,
19 including the Final PEIR, the Addendum, the Findings and the Statement of Overriding
20 Considerations, the Mitigation Monitoring and Reporting Program and all oral and written
21 evidence presented to it during all meetings and hearings; and

22 WHEREAS, the Final PEIR, the Addendum, the Findings and the Statement of Overriding
23 Considerations reflect the independent judgment of the Board of Directors and are deemed
24 adequate for purposes of making decisions on the merits of the Proposed Project; and

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

26 NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Coachella
27 Valley Water District assembled in adjourned regular meeting this 24th day of September, 2003,
28 that it does hereby resolve as follows:

29 SECTION 1. Approval of Findings. As the decision-making body for the Proposed
30 Project, the Board of Directors has reviewed and considered the information contained in the
Findings attached hereto as Exhibit "A" dated September 2003 and supporting documentation.

1 The Board of Directors determines that the Findings contain a complete and accurate reporting of
2 the environmental impacts and mitigation measures associated with the QSA, as well as complete
3 and accurate reporting of the unavoidable impacts and benefits of the Proposed
4 Project as detailed in the Statement of Overriding Considerations, included with the Findings.
5 The Board of Directors further finds that the Findings have been completed in compliance with
6 CEQA and the State CEQA Guidelines. The Board of Directors determines that the Findings
7 reflect the independent judgment of the Board of Directors. The Board of Directors hereby
8 approves the attached Findings to the Final PEIR.

9 SECTION 2. Approval of Statement of Overriding Considerations. The Board of
10 Directors hereby finds that the Statement of Overriding Considerations was completed in
11 accordance with State CEQA Guidelines Section 15093, subdivision (a), which states that CEQA
12 requires the decision-making agency to balance, as applicable, the economic, legal, social,
13 technological, or other benefits of a proposed project against its unavoidable environmental risks
14 when determining whether to approve the project. The Statement of Overriding Considerations
15 included in the Findings attached hereto as Exhibit "A" dated September 2003 sets forth in detail
16 the remaining significant effects on the environment found to be unavoidable but are acceptable
17 due to overriding concerns as described above. The Board of Directors hereby approves the
18 attached Statement of Overriding Considerations to the Final PEIR.

19 SECTION 3. Adoption of Mitigation Monitoring and Reporting Program. Pursuant to
20 State CEQA Guidelines Section 15091, subdivision (d) and Public Resources Code section
21 21081.6, the Board of Directors hereby adopts the attached Mitigation Monitoring and Reporting
22 Program to the Final PEIR, attached as Exhibit "B" dated September 2003.

23 SECTION 4. Approval of the Proposed Project. Based on the entire record before the
24 Board of Directors, the Board of Directors hereby approves the Proposed Project, consisting of
25 the following:

- 26 1. Quantification Settlement Agreement.
- 27 2. Colorado River Water Delivery Agreement.
- 28 3. Stipulation for Dismissal.
- 29 4. Allocation Agreement.
- 30 5. Amendment to the 1978 Canal Lining Contract.
6. IID/CVWD Acquisition Agreement.

- 1 7. Salton Sea Flooding Agreement.
- 2 8. CVWD/IID Groundwater Storage Agreement.
- 3 9. CVWD/MWD Acquisition Agreement.
- 4 10. 35,000 acre-feet per year Transfer Agreement.
- 5 11. 100,000 acre-feet per year Transfer Agreement.
- 6 12. CVWD/Department of Water Resources Contract Amendment.
- 7 13. Amendment to the 1989 Approval Agreement.
- 8 14. Amendment to the MWD/CVWD 1989 Supplemental Agreement.
- 9 15. Consent to Palo Verde Irrigation District Transfers.
- 10 16. Joint Powers Agreement.
- 11 17. Environmental Cost Sharing Agreement.
- 12 18. Section 7 Consultation Agreement.
- 13 19. San Diego County Water Authority/CVWD Backfill Memorandum of
- 14 Understanding.

15 The Board of Directors further directs the General Manager-Chief Engineer to execute
16 said agreements on behalf of the District and Legal Counsel to execute the Stipulation for
17 Dismissal.

18 SECTION 5. Custodian of Records. The documents and materials that constitute the
19 record of proceedings on which these findings are based are located at the CVWD office located
20 at Highway 111 and Avenue 52, Coachella, California, 92236. The custodian for these records is
21 Julia Fernandez, Secretary.

22 SECTION 6. Notice of Determination. The Board of Directors directs staff to file a
23 Notice of Determination with the Riverside County Clerk, the Imperial County Clerk and the San
24 Diego County Clerk within five (5) working days of approval of the Quantification Settlement
25 Agreement and related documents by all parties.

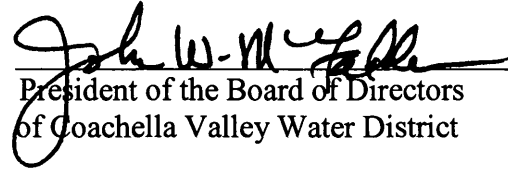
26 SECTION 7. Execution of Resolution. The President of the Board of Directors shall sign
27 this Resolution and the Secretary of the Board of Directors shall certify this Resolution was duly
28 and properly adopted by the Board.

29 SECTION 8. Effective Date. This resolution shall take effect immediately upon its
30 adoption.

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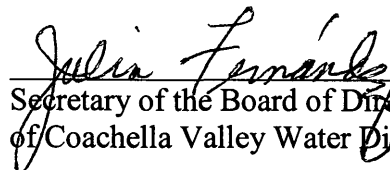
SECTION 9. Resolution No. 2002-281 adopted December 23rd, 2002, is hereby rescinded.

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



President of the Board of Directors
of Coachella Valley Water District

ATTEST:



Secretary of the Board of Directors
of Coachella Valley Water District

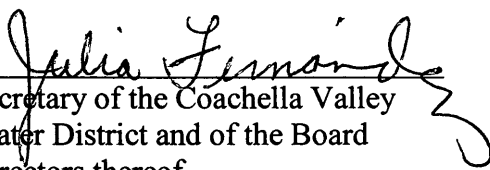
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STATE OF CALIFORNIA)
COACHELLA VALLEY WATER DISTRICT) ss.
OFFICE OF THE SECRETARY)

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. 2003-227 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.

(SEAL)


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