

RESOLUTION NO. 2013- 22

RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN DIEGO COUNTY WATER AUTHORITY APPROVING THE THIRD ADDENDUM TO THE CITY OF CARLSBAD PRECISE DEVELOPMENT PLAN AND DESALINATION PROJECT FINAL ENVIRONMENTAL IMPACT REPORT; ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM; APPROVING THE PROJECT; AUTHORIZING FILING OF A NOTICE OF DETERMINATION; AND AUTHORIZING THE GENERAL MANAGER TO EXECUTE NECESSARY AMENDMENTS TO THE DESIGN BUILD AGREEMENT FOR PRODUCT WATER PIPELINE IMPROVEMENTS RELATING TO THE CARLSBAD SEAWATER DESALINATION PROJECT.

Whereas, the City of Carlsbad, acting as lead agency for Carlsbad Seawater Desalination Plan and appurtenant facilities proposed by Poseidon Resources (the "Project") prepared a Final Environmental Impact Report for the Project in compliance with the California Environmental Quality Act ("CEQA"), which the City of Carlsbad certified on June 13, 2006 ("Carlsbad EIR"); and

WHEREAS, the City of Carlsbad prepared an Addendum to the Carlsbad EIR ("Carlsbad Addendum") which was adopted on September 15, 2009, and reflects minor and immaterial design modifications to the Project site plan, appurtenant facilities, and water delivery pipeline network; and

WHEREAS, the San Diego County Water Authority ("Water Authority"), acting as responsible agency under CEQA, prepared a Second Addendum to the Carlsbad EIR ("Carlsbad Second Addendum") which was adopted on November 29, 2012, and reflects minor and immaterial design modifications to the Project appurtenant facilities and water delivery pipeline network; and

WHEREAS, additional minor and immaterial design modifications have been made to the pipeline for the Project, including: (1) pipeline alignment modifications in Macario Canyon near Cannon Road and Faraday Avenue in Carlsbad, including drilling pit locations, and 2) deletion of an associated pumping well; and

WHEREAS, the Project modifications are desirable to the Water Authority because they will: 1) eliminate the opportunity for vandalism to the pipeline and remove a potential threat to public property and public safety, 2) avoid the maintenance challenges presented by a pipeline attached to the underside of a bridge 75 feet above Macario Canyon, and 3) avoid the need for periodic closure of the Cannon Road bridge when performing pipeline maintenance and inspection; and

WHEREAS, a Third Addendum to the Carlsbad EIR ("Carlsbad Third Addendum") was prepared on behalf of the Water Authority by firms or persons having expertise in the analysis of

environmental effects of projects and in the preparation of environmental documentation to determine if the preparation of a subsequent or supplemental EIR was required for the Project modifications; and

WHEREAS, the Water Authority is acting as a responsible agency under CEQA in connection with the approval of the Carlsbad Third Addendum and the Project modifications described above; and

WHEREAS, before it takes action on the Project modifications above, CEQA requires a responsible agency to review the lead agency's EIR, and, if the Project modifications result in any significant new environmental effects, make findings for each new significant effect of a project, and adopt a Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program, if necessary; and

WHEREAS, the Carlsbad EIR, Carlsbad Addendum, and Carlsbad Second Addendum were presented to the Board and the Board reviewed and considered the information found in these environmental documents, including the Findings of Fact, the Statement of Overriding Considerations, and the Mitigation Monitoring and Reporting Programs; and

WHEREAS, the Carlsbad Third Addendum was presented to the Board and the Board reviewed and considered the information found in the Carlsbad Third Addendum prior to making a decision on the Project modifications; and

WHEREAS, having heard and considered the evidence, and being fully advised regarding the environmental consequences of approving the Project modifications, it is in the interest of the Water Authority and the people it serves to approve the Carlsbad Third Addendum and the Project modifications and to make findings regarding the environmental effects of these actions.

NOW, THEREFORE, the Board of Directors of the San Diego County Water Authority resolves:

1. That the foregoing recitals are adopted as findings and determinations of the Board.
2. Pursuant to CEQA Guidelines Section 15050(b), the Board has reviewed, analyzed, and considered the Carlsbad Third Addendum along with the Carlsbad EIR, Carlsbad Addendum, and Carlsbad Second Addendum, and finds that the Carlsbad Third Addendum reflects the independent judgment of the Board.
3. The Board, acting as a responsible agency under CEQA, has determined that the Carlsbad EIR, Carlsbad Addendum, and Carlsbad Second Addendum are adequate, comply with the mandates of CEQA (Public resources Code Sections 21000, et seq.) and the CEQA Guidelines (Title 14 California Code of Regulations, Section 15000, et seq.), and fully disclose and analyze the environmental effects of the Project.
4. The Project modifications described herein were analyzed in the Carlsbad Third Addendum (Exhibit 1). The Carlsbad Third Addendum provides a comprehensive

environmental analysis of all the Project modifications and is incorporated by reference. The Carlsbad Third Addendum concludes and the Board concurs that the proposed Project modifications are minor and are not anticipated to create any new significant environmental impacts or substantially worsen or increase the severity of impacts already identified in the Carlsbad EIR, Carlsbad Addendum, and Carlsbad Second Addendum.

5. The Board, acting as a responsible agency under CEQA, has determined that the information contained in the Carlsbad Third Addendum adequately discloses the environmental effects that would result from the proposed Project modifications, that the Carlsbad Third Addendum has been presented to the Board and that the Board has reviewed and considered the information contained therein prior to approving the Project modifications.
6. The Board finds that preparation of the Carlsbad Third Addendum was appropriate and in conformance with CEQA because some of the changes or additions to the Carlsbad EIR, Carlsbad Addendum, and Carlsbad Second Addendum were necessary, but none of the conditions described in CEQA Section 21166 or Sections 15162 and 15163 of the CEQA Guidelines calling for preparation of a subsequent or supplemental EIR have occurred, in that:
 - a. The Project modifications do not involve substantial changes to the Project which would require major revisions of the Carlsbad EIR, or Carlsbad Addendum, or Carlsbad Second Addendum; there are no new significant environmental effects and no substantial increases in the severity of previously identified significant effects. As detailed in the Carlsbad Third Addendum, the analysis and mitigation contained in the Carlsbad EIR, Carlsbad Addendum and Carlsbad Second Addendum remain adequate to address the potential environmental effects of the Project.
 - b. There have been no substantial changes with respect to the circumstances under which the Project is being undertaken which would require major revisions to the Carlsbad EIR.
 - c. There is no new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the Carlsbad Addendum was adopted in September 2009.
 - d. There is no new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the Carlsbad Second Addendum was adopted in November 2012.
 - e. The Project will not have any significant effects not discussed in the Carlsbad EIR, Carlsbad Addendum, or Carlsbad Second Addendum.

- f. There are no new or additional mitigation measures that would avoid or substantially reduce one or more significant effects that the Project would have on the environment.
 - g. The Board has determined that the Carlsbad Third Addendum is adequate, and fully analyzes the environmental effects of the Project modifications.
 - h. The Board hereby approves the Project modifications as described in the Carlsbad Third Addendum.
9. All mitigation measures identified in the Carlsbad EIR, the Carlsbad Addendum, the Carlsbad Second Addendum, and Carlsbad Third Addendum applicable to the Project modifications are hereby made conditions of approval of the Project, the Board approves the Project Mitigation Monitoring and Reporting Plan previously provided to the Board and incorporated by reference herein and the General Manager or her designated representative is assigned the task of implementing the Project Mitigation Monitoring and Reporting Program (Exhibit 2).
10. With the exception of those mitigation measures set forth in the adopted Mitigation Monitoring and Reporting Plan which are within the responsibility and jurisdiction of other public agencies and have been, or can and should be, adopted by those other agencies, the Board finds that there are no feasible alternatives or feasible mitigation measures within its power to adopt that would substantially lessen or avoid any significant effect the Project would have on the environment.
11. The General Manager is directed to file a Notice of Determination as provided in Sections 15094 and 15096(i) of the State CEQA Guidelines.
12. The General Manager is authorized to execute all necessary amendments to the Design Build Agreement for Product Water Pipeline Improvements Relating to the Carlsbad Seawater Desalination Project, dated December 20, 2012, between the San Diego County Water Authority and Poseidon Resources (Channelside) LP, to enable construction of the approved Project.

PASSED, APPROVED AND ADOPTED, this 26th day of September 2013, by the following vote:

AYES: Unless noted below, all Directors present voted aye.

NOES: None

ABSTAIN: Javier Saunders abstained.

ABSENT: Arant (p), Hilliker, Linden, Morrison, Murtland, Saxod, Topolovac, Watkins, Watton, and Wight



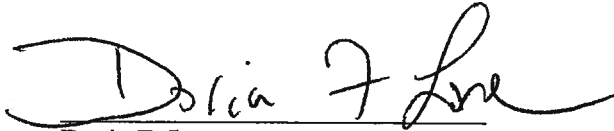
Thomas V. Wornham
Chair

ATTEST:



Michael T. Hogan
Secretary

I, Doria F. Lore, Clerk of the Board of the San Diego County Water Authority, certify that the vote shown above is correct and this Resolution No. 2013-22 was duly adopted at the meeting of the Board of Directors on the date stated above.



Doria F. Lore
Clerk of the Board