

NOTICE OF EXEMPTION
COACHELLA VALLEY WATER DISTRICT
Post Office Box 1058
Coachella, CA 92236

To: County Clerk
County of Riverside
Post Office Box 751
Riverside, CA 92502

State Clearinghouse
Office of Planning and Research
Post Office Box 3044, Room 113
Sacramento, CA 95812-3044

Project Title: Second Amendment to the 2003 Delivery and Exchange Agreement Between Metropolitan Water District and Coachella Valley Water District for 35,000 Acre-Feet

Project Location: No specific physical location; although the Coachella Valley Water District is a State Water Project Contractor and its service area includes portions of Riverside, Imperial, and San Diego counties.

Description of Nature, Purpose and Beneficiaries of Project: The Coachella Valley Water District (CVWD) proposes to amend its Delivery and Exchange Agreement with the Metropolitan Water District (MWD) for 35,000 Acre-Feet. The Delivery and Exchange Agreement was negotiated as part of the Quantification Settlement Agreement (QSA) and was executed by CVWD and MWD on October 10, 2003. A Supplemental Agreement for the years 2011, 2012, and 2013 was signed in 2011, and a First Amendment was signed in 2015.

The 2003 Delivery and Exchange Agreement for 35,000 Acre-feet, as previously amended, provides that MWD transfer to CVWD up to 35,000 acre-feet per year of MWD State Water Project (SWP) water through December 31, 2026. This water is exchanged for an equivalent amount of MWD Colorado River water delivered by MWD to CVWD at the Colorado River Aqueduct Turnout to the Whitewater River. The minor modifications in the proposed Second Amendment to the 2003 Delivery and Exchange Agreement for 35,000 Acre-Feet are summarized below.

- The total amount of 35,000 acre-feet (af) transfer water to be delivered to CVWD between January 1, 2019, and December 31, 2026, is 280,000 af. A provision is added requiring MWD to include 35,000 af of its Table A Entitlement in its annual water order to the Department of Water Resources. Language is added to guarantee delivery of the full 280,000 af to CVWD by December 31, 2026.
- The default delivery location is changed from the Imperial Dam to the Colorado River Aqueduct Turnout to the Whitewater River, with an option to deliver at Imperial Dam. Delivery as a reduction of the Advanced Delivery Account balance also remains an option.
- The cost per acre-foot is set based on the 2019 price: \$289/af delivered at Whitewater or \$180/af delivered at Imperial Dam.
- A provision is created to allow MWD to reimburse CVWD for a portion of CVWD's unused annual Colorado River water at the specified amount of \$50/af in 1999 dollars.

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- The invoice date is adjusted from June 30 to June 1.
- During 2020-2026, CVWD will limit its annual call under the 1989 Approval Agreement to 15,000 af, which MWD will deliver to CVWD by exchanging a total of 105,000 af to CVWD at the Colorado River Aqueduct Turnout to the Whitewater River by the end of 2026.
- CVWD will pay specified costs for the water in the fiscal year it is delivered.

Name of Public Agency Approving Project: Coachella Valley Water District

Exempt Status:

- Review for Exemption/Common Sense Exemption: State CEQA Guideline §15061(b)(3)
- Not a project: State CEQA Guidelines §15378(a) and (b)(5)
- Ministerial (Pub. Res. Code §21080(b)(1); State CEQA Guideline §15268)
- Declared Emergency (Pub. Res. Code §21080(b)(3); State CEQA Guideline §15269(a))
- Emergency Project (Pub. Res. Code §21080(b)(4); State CEQA Guideline §15269(b)(c))
- Statutory Exemption: State CEQA Guidelines § _____
- Categorical Exemption: State CEQA Guidelines § _____

Reasons why project is exempt:

Approval of the Second Amendment to the 2003 Delivery and Exchange Agreement for 35,000 Acre-Feet is not subject to CEQA for multiple reasons. First, approval of the Second Amendment to the 2003 Delivery and Exchange Agreement for 35,000 Acre-Feet is not subject to CEQA because it does not constitute a “project,” under CEQA, i.e., pursuant to State CEQA Guidelines §15378(a), the action has no potential to result in a direct or reasonably foreseeable indirect physical change in the environment because the action will merely result in minor administrative changes to an existing agreement and will have no effect on the environment.

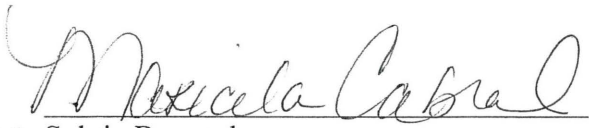
Second, approval of the Second Amendment to the 2003 Delivery and Exchange Agreement for 35,000 Acre-Feet is not subject to CEQA because it does not constitute a “project,” pursuant to State CEQA Guidelines §15378(b)(5), because the minor administrative changes to the existing agreement will not result in any change to the previously approved entitlements and constitutes an organizational or administrative activity that will not result in a direct or indirect physical change in the environment not previously analyzed.

Third, even if approval of the Second Amendment to the 2003 Delivery and Exchange Agreement for 35,000 Acre-Feet did constitute a “project” subject to CEQA, the action would be exempt from CEQA review pursuant to State CEQA Guidelines §15061(b)(3); because it can be seen with certainty that there is no possibility that approval of the amendment may have a significant effect on the environment. The Second Amendment to the 2003 Delivery and Exchange Agreement for 35,000 Acre-Feet will result in minor changes regarding the administration of an existing agreement; there will be no changes or adverse impacts to the environment as a result of the minor administrative changes.

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Agency Contact Person: Elizabeth Meyerhoff, Environmental Specialist; phone: (760) 398-2651

Date: November 15, 2019

for 
Sylvia Bermudez
Clerk of the Board
Coachella Valley Water District

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

File Nos: 0106.21
0460.24
0645.61
0645.712.2

Governor's Office of Planning & Research

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