

**CERTIFIED FOR PUBLICATION**

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FIFTH APPELLATE DISTRICT

CONSOLIDATED IRRIGATION  
DISTRICT,

Petitioner,

v.

THE SUPERIOR COURT OF FRESNO  
COUNTY,

Respondent;

CITY OF SELMA et al.,

Real Parties in Interest.

F063534

(Fresno Super. Ct. No. 10CECG01181)

**ORDER MODIFYING OPINION AND  
DENYING REHEARING  
[CHANGE IN JUDGMENT]**

**THE COURT:**

It is ordered that the opinion filed herein on April 26, 2012, and reported in the Official Reports (205 Cal.App.4th 697) be modified in the following particulars:

1. On page 30, the six paragraphs comprising part V.C., **Summary**, are deleted and the following paragraphs are inserted in their place:

Based on our interpretation and application of section 21167.6, subdivision (e)(7), CID's motion to augment the record of proceedings should have been granted with respect to the following three documents from the first category and five documents from the third category:

(1) The Upper Kings Basin Integrated Regional Water Management Plan dated July 2007.

(2) CID's Groundwater Management Plan of March 2009.

(3) A technical memorandum on the potential regional and local groundwater effects of urban growth prepared by WRIME, Inc., and dated July 2007.

(4) "Intergovernmental Panel on Climate Change, Fourth Assessment Report (IPCC 4th) (2007) Working Group (WG) 1, Frequently Asked Question 2.1, *How do Human Activities Contribute to Climate Change and How do They Compare with Natural Influences?* [http://ipcc-wg1.ucar.edu/wg1/FAQ/wg1\\_faq-2.1.html](http://ipcc-wg1.ucar.edu/wg1/FAQ/wg1_faq-2.1.html)."<sup>16</sup>

(5) The Attorney General's fact sheet, available at "[http://ag.ca.gov/globalwarming/pdf/GW\\_mitigation\\_measures.pdf](http://ag.ca.gov/globalwarming/pdf/GW_mitigation_measures.pdf)."

(6) The San Joaquin Valley Air Pollution Control District's "*Guide for Assessing and Mitigating Air Quality Impacts, 2002 Revision*," available at "[www.valleyair.org/transportation/ceqa\\_guidance\\_documents.htm](http://www.valleyair.org/transportation/ceqa_guidance_documents.htm)."

(7) The air quality data for the San Joaquin Valley Air Pollution Control District available at "<http://www.valleyair.org/aqinfo/attainment.htm>" or "California Air Resources Board (ARB) website at <http://arb.ca.gov/html/aqe&m.htm>."<sup>17</sup>

(8) The "*Guidance for Air Dispersion Modeling*" document ... found at [http://www.valleyair.org/busind/pto/Tox\\_Resources/AirQualityMonitoring.htm](http://www.valleyair.org/busind/pto/Tox_Resources/AirQualityMonitoring.htm)."

2. On page 40, the second paragraph under the heading **DISPOSITION** is deleted and the following paragraph is inserted in its place:

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<sup>16</sup>This document currently is available at [http://www.ipcc.ch/publications\\_and\\_data/ar4/wg1/en/faq-2-1.html](http://www.ipcc.ch/publications_and_data/ar4/wg1/en/faq-2-1.html) (as of Apr. 26, 2012).

<sup>17</sup>The URL maintained by the ARB is no longer available.

The administrative record in this matter shall include (1) copies of the audio recordings of (a) the planning commission's meeting on December 14, 2009, (b) the city council's special meeting on January 11, 2010, and (c) the city council meeting on March 15, 2010, (2) the eight documents listed in part V.C., *ante*, of this opinion, (3) the March 2010 letter from Fresno County to City concerning the project.

This modification changes the judgment.

Petitioner's petition for rehearing is denied.

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CORNELL, Acting P.J.

I CONCUR:

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KANE, J.