



## Practical Application of *Vineyard Area Citizens v. Rancho Cordova* (2007) Guidance on Environmental Impact Analysis and Technical Details

PMC

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Update

Winter  
2007

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In the *Vineyard Area Citizens v. Rancho Cordova* (2007) case, the state Supreme Court deemed the EIR prepared for the 6,000-acre Sunrise Douglas Community Plan, which proposed over 20,000 residential units with schools and parks as well as 480 acres of office and commercial uses, and the nearer-term 2,600-acre SunRidge Specific Plan, with about 9,900 residential units and community commercial, shopping center, neighborhood schools and parks, inadequate because the EIR failed to adequately evaluate long-term water sources necessary to serve the project under build-out conditions.

While the guidance provided by the court from the *Vineyard Area Citizens v. Rancho Cordova* (2007) case revolves around water supply issues, the approach outlined for environmental analysis and the direction given regarding citation and incorporation of materials are applicable to a broad range of environmental topics analyzed in EIRs. Analysis related to infrastructure, utilities and services, such as transportation, wastewater, drainage and energy, can be guided by the approach described by the court. Listed below are key elements of practically applying the Vineyard decision in regards to the approach used for the environmental analysis and technical details of environmental document preparation.

### Approach to Environmental Analysis

1. Address full build-out of project, including impacts associated with providing infrastructure and services necessary to serve the project at build-out. If the project includes both short-term and long-term components, the long-term component must be addressed at least at a programmatic level.
  - a. Identify water supply sources (surface water and groundwater) that would serve the project
  - b. Discuss impacts associated with pumping groundwater and/or diverting surface water (how would ground basin be affected, how would river, lake, etc. be affected – would any resources be impacted)
  - c. Describe infrastructure needed to treat water and convey water from source to project and describe environmental impacts associated with construction and operation of infrastructure
  - d. Identify mitigation for potentially significant impacts
2. For specific plan and other long-term projects, describe other projects that may be competing for long term supply – show rough balance between supply and demand.
  - a. Describe other projects/development anticipated that would be using same water supply sources under build-out conditions
  - b. Identify whether there will be a rough balance between water anticipated to be available and growth that will occur
3. Acknowledge level of uncertainty.
  - a. Will demand anticipated under build-out/future conditions exceed supply?
  - b. Will the water sources be available – are there plans to extract/divert the water, are agreements in place, etc.?



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4. If there is uncertainty, discuss other sources and impacts associated with using those sources.
  - a. Discuss other potential surface water and groundwater sources that could be used, and describe impacts associated with treatment and conveyance of water from those sources (see 1.a through 1.d. above).
5. If there is uncertainty, discuss impacts associated with ceasing development prior to build-out.
  - a. If infrastructure and facilities are not completed, (roadways, wastewater treatment, fire station, etc.) what would the environmental impact be?
6. Disclose ALL significant impacts.
  - a. Rather than just identifying a significant impact associated with provision of water supply, identify significant impacts associated with using that water supply (aesthetics, bio, air quality, noise, cultural, erosion, etc.) and impacts associated with using other potential sources.
7. Discuss mitigation measures for all significant impacts.
  - a. Identify potential mitigation for all significant impacts. If mitigation is addressed in other documents, properly reference and incorporate those discussions. If no mitigation is available, identify and discuss.
8. Make findings for each alternative water supply.

### Technical Details

1. Provide consistent information throughout the document.
2. Make sure information and analysis can be understood by the reader - show your work!
3. If there are discrepancies between the EIR and referenced or supporting documents (such as an Urban Water Management Plan) or comments received and included as an attachment, describe the difference.
4. Correctly incorporate other documents (be specific about the analysis and mitigation measures incorporated) and cite sources properly. The CEQA Guidelines provide specific direction regarding incorporation by reference and citation.
  - a. Incorporation by Reference – CEQA Guidelines Section 15150 (c): Where an EIR or Negative Declaration uses incorporation by reference, the incorporated part of the referenced document shall be briefly summarized where possible or briefly described if the data or information cannot be summarized. The relationship between the incorporated part of the referenced document and the EIR shall be described.
  - b. Citation - CEQA Guidelines Section 15148: Preparation of EIRs is dependent upon information from many sources, including engineering project reports and many scientific documents relating to environmental features. These documents should be cited but not included in the EIR. The EIR shall cite all documents used in its preparation including, where possible, the page and section number of any technical reports which were used as the basis for any statements in the EIR.