

*Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova* (2007) 40 Cal.4th 412

With this case, the California Supreme Court weighs in on the issue of assessing water supply. In 2002, Sacramento County approved the Sunrise-Douglas Community Plan and SunRidge Specific Plan for the eventual development of more than 22,000 residences and related urban uses on approximately 6,000 rural acres near Rancho Cordova. The EIR prepared for the project was challenged by Vineyard Area Citizens on the grounds that it failed to identify the actual source of much of the water needed to meet long-term demand and that new information regarding the impact of the project's groundwater draw on water flows and fish habitat in the Cosumnes River required recirculation of the EIR before its certification. The Supreme Court agreed on both points.

As to be expected for a project of this size, the proposed development would create a substantial new demand for water – approximately 22,103 acre-feet per year (AFY), overall. Of this, approximately 5,527 AFY (and up to 10,000 AFY sustainable yield) would be provided by groundwater pumped from the North Vineyard Well Field proposed to be built southwest of the development. The remainder of the demand would be met by surface water diverted from the American River. The Sacramento County Water Agency would deliver both sources of water to the project.

The analysis of water supply was inadequate because it failed to provide readers with an adequate description of long-term water sources, as briefly mentioned in challenged EIR and as discussed at greater length in a prior EIR for the “Water Forum” process. The EIR for the land use plans failed to formally incorporate by reference information from the Water Forum EIR, and contained numerical information at odds with parallel sets of water demand and water supply numbers in the Water Forum EIR. The EIR was also inadequate because lead agency failed to recirculate it after identifying possible significant biological impacts on the Cosumnes River due to groundwater pumping associated with short-term water supply.

The Court ruled that a mitigation measure providing for the curtailment of development should water sources not materialize or be delayed is an appropriate tool under CEQA, but is not a substitute for an adequate impact analysis.

An adequate analysis should contain the following elements:

- An identification of the water sources needed for full build-out;
- An assessment of the environmental impacts associated with providing water for the project;
- Where there are both short-term and long-term supplies needed, analysis of long-term supplies and their impacts in at least programmatic level of detail;
- An assessment of the extent to which identified water sources are “certain” or “likely” to be available; and
- Where “some uncertainty” exists with respect to such supplies, identification of possible alternative water sources and analysis of the environmental impacts of curtailing planned development due to inadequate supplies.