

# 5 Other CEQA Considerations

## 5.1 Introduction

An EIR is required to include a discussion of the following topics pursuant to CEQA Guidelines Section 15126 and 15126.2(c):

- Significant environmental effects that cannot be avoided if the proposed project (i.e., General Plan policies and amendments, in this case) is implemented
- A discussion of significant irreversible changes due to the proposed project
- Growth-inducing impacts of the proposed project
- Cumulative impacts of the proposed project

## 5.2 Significant and Unavoidable Environmental Impacts

As discussed in Sections 3.0 through 3.4 of this EIR, implementation of the proposed project, i.e., the proposed General Plan policies and amendments, would not result in any significant adverse environmental effects. The proposed General Plan policies and amendments have been defined to avoid or mitigate potentially significant impacts of a WBRP water transactions in the County.

## 5.3 Significant Irreversible Changes

### 5.3.1 CEQA Requirements for Significant Irreversible Changes

Pursuant to CEQA Guidelines Section 15126.2(d) an EIR must include a discussion of any significant irreversible environmental changes that would be caused by a proposed project. A project is considered to result in significant irreversible environmental changes if:

- The direct and indirect impacts would generally commit future generations to similar uses;
- The proposed consumption of natural resources is not justified (e.g., the project would involve the wasteful use of energy);
- The project would involve a large commitment of nonrenewable resources; or
- The project would involve uses in which irreversible damage could result from any potential environmental accidents associated with the project.

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### 5.3.2 Significant Irreversible Changes with the Proposed Project

The proposed project involves the adoption of General Plan policies and amendments to reduce the potential environmental effects of a WBRP water transaction program in the County. The General Plan policies proposed do not involve the consumption of natural resources, nonrenewable resources, or irreversible damages from potential environmental accidents. Therefore, the adoption of the proposed project would not result in significant irreversible changes.

### 5.4 Growth-Inducing Impacts

An EIR must include an evaluation of the potential growth-inducing impacts of a proposed project pursuant to CEQA Guidelines Section 15126.2(e). A project would result in significant growth-inducing impacts if:

- The project could foster economic or population growth; or
- The project could result in the construction of additional housing either directly or indirectly, in a surrounding environment.

Projects that remove obstacles to population growth also must be considered in this discussion. An example of a project that could “remove obstacles to population growth” is resolving constraints on required public services or utilities. Direct or indirect growth inducement “may tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects” (State CEQA Guidelines Section 15126.2(e)). The CEQA Guidelines conclude that “it must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.”

Local land use plans provide for land use development patterns and growth policies that allow the orderly expansion of urban development supported by adequate urban public services, such as water supply, roadway infrastructure, sewer service, and solid waste service. Typically, the growth-inducing potential of a project would be considered significant if it encourages growth or a concentration of population in excess of what is projected in the adopted General Plan of the community in which the project is located, or significantly exceeds the population and employment projections made by regional planning agencies. In accordance with California Government Code Section 65300, the County has adopted a long-term planning document, the General Plan, to maintain the physical development within the County’s jurisdiction. This planning document determines the nature and intensity of land uses to be served by the County. The proposed project involves amending the current General Plan to include policies and amendments that would reduce or mitigate potential environmental effects of WBRP water transactions in the County. The proposed General Plan policies would not foster economic or population growth or involve the construction of additional housing either directly or indirectly. Therefore, the adoption of the proposed project would not result in growth-inducing impacts.

### 5.5 Cumulative Impacts

#### 5.5.1 Approach to Cumulative Analyses

##### **CEQA Requirements for Cumulative Analyses**

An EIR must include a discussion of the cumulative impacts of a project in addition to the project-specific impacts. Per CEQA Guidelines Section 15355, cumulative impacts “refer to two or more individual effects which, when considered together, are considerable or which compound to increase other environmental impacts.” Section 15130(a)(1) states that “a cumulative impact consists of an impact that is created from the combination of the project evaluated in the EIR together with other projects causing related impacts.” The discussion of cumulative impacts must reflect the severity of the impacts and the likelihood of their occurrence; however, the discussion need not be as detailed as the discussion of project-specific impacts (CEQA Guidelines Section 15130[b]). The cumulative impact analysis for this EIR evaluates the potential cumulative impacts from the proposed project in combination with other past, present, and probable future projects in the study area.

##### **Methodology**

CEQA Guidelines Section 15130(b) presents two approaches for identifying the relevant cumulative projects to include in the cumulative analysis in an EIR:

- A list of past, present, and probable future projects producing related or cumulative impacts, including those projects outside the control of the lead agency; or
- A summary of projections contained in an adopted local, regional, or statewide plan, or related planning document that describes or evaluates conditions contributing to the cumulative effect.

This EIR utilizes a list approach by using a list of past, present, and probable future projects (collectively referred to as “cumulative projects”).

The discussion of cumulative impacts in this EIR focuses on whether the incremental impacts of the proposed project are cumulatively considerable when considering other, nearby projects. A cumulatively considerable impact means that the incremental impacts of an individual project are significant when viewed in context with the effects of past, present, and probable future projects (CEQA Guidelines Section 15065(a)(3)). The discussion of cumulative impacts in this EIR followed these guidelines:

- 1. Define the Relevant Geographical Area of Impact.**

The relevant area affected for each impact category is defined, with a reasonable explanation supporting the geographic area used in the analysis (CEQA Guidelines Section 15130(b)(3)).

- 2. Identify the Past, Present and Probable Future Projects Producing Related or Cumulative Impacts.**

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If a "list approach" is used, past, present, and probable future projects for each impact category are identified. All projects that might result in related impacts, not just similar sources or projects, are included. The future projects list also includes future aspects of the proposed plan that are reasonably foreseeable consequences of project approval (CEQA Guidelines Section 15130(b)(1).)

### 3. **Is There a Significant Impact to which Both the Proposed Project and Other Projects Contribute?**

The combined effects of both the proposed project and the other identified projects that could result in an impact that is cumulatively significant are identified (*Communities for a Better Environment v. California Resources Agency* [2002] 103 Cal.App.4th 98, 120). This question has two parts: (1) is there a significant impact on the environment that (2) is the result of the effects of the project combined with the effects of other projects? If the project does not contribute to the impact, then it is not considered a significant cumulative impact for the purposes of analyzing the proposed project.

### 4. **Is the Plan's Incremental Contribution Cumulatively Considerable?**

If the answer to question 3 above is "no," then the impact is discussed briefly, with the basis for the determination set forth. If the answer to question number 3 above is yes, then the proposed project's incremental effect is assessed to determine if it is cumulatively considerable. Even where the project might cause an "individually limited" or "individually minor" incremental impact that, by itself, is not significant, the project may nevertheless contribute to a cumulative impact if the contribution is "cumulatively considerable" when viewed together with environmental changes anticipated from past, present, and probable future projects (CEQA Guidelines Sections 15064[h][1], 15355[b]).

### 5. **Would Mitigation Reduce the Project's Cumulatively Considerable Contribution to a Less Than Significant Level?**

If the proposed project contributes to a significant cumulative impact (question number 3, above) and if the plan's contribution is cumulatively considerable (question number 4, above), then the final question is whether mitigation would reduce the plan's contribution to a less than cumulatively considerable level. Even though mitigation may render the plan's contribution less than significant when viewed in isolation (i.e., at a project-specific level), the contribution that remains after mitigation may still be cumulatively considerable and, thus, not mitigated for cumulative impact analysis purposes. If the plan's contribution is mitigated to a less than cumulatively considerable level, then the impact can be found to be less than significant.

### 6. **What is the Significance of the Plan's Contribution to the Cumulative Impact?**

The significance of the plan's contribution to the cumulative impact is stated as either: (1) less than significant (i.e., less than cumulatively considerable); (2) less than significant with mitigation (i.e., the cumulatively considerable contribution has been eliminated or rendered so small that it is no longer cumulatively considerable); (3) significant and unavoidable.

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### Area of Analysis and List of Projects

The following list of cumulative projects considered for analysis are described below in Table 5.5-1 and shown in Figure 5.5-1. The area of analysis includes projects located in the Walker Basin in the County.

**Table 5.5-1 Cumulative Projects**

ID #	Project	Location	Description	Schedule
1	Tilth Farms Cannabis Cultivation	Walker, CA	The Tilth Farms Cannabis Cultivation Project would include the construction and operation of a nursery along with outdoor cultivation of cannabis. This project is anticipated to use 8 acre-feet of water.	Project was approved in December 2018
2	Walker River Farms Cannabis Microbusiness	Walker, CA	The Walker River Farms Project would include indoor cultivation and distribution of cannabis, and non-storefront retail activities of allowing the company to sell products at licensed cannabis events. This project is anticipated the use 1,000 gallons of water per day.	Project was approved in May 2019
3	Julian Family Ranch	Coleville, CA	The Julian Family Ranch Project would build an equestrian facility including boarding up to four horses, riding lessons, youth programs, and special events. The project would not use water.	Project was approved in July 2019

*Sources: (Mono County Community Development Department, 2018 ; Mono County Office of Planning and Research, 2019; Mono County Community Development Department, 2019; The Sheet: News, Views & Culture of the Eastern Sierra, 2019)*

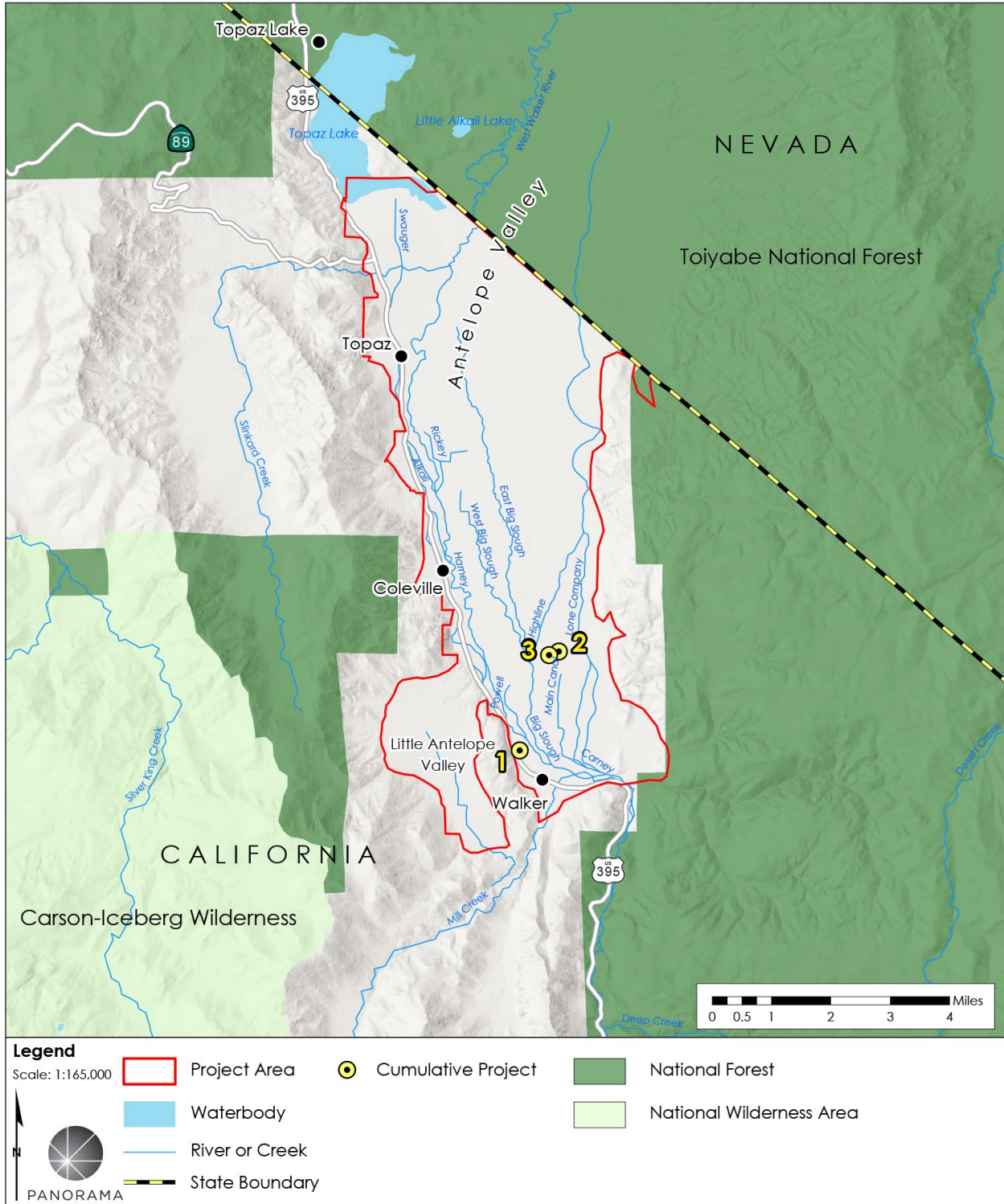
### 5.5.2 Cumulative Impacts

As described in this EIR, the proposed project (i.e., General Plan policies and amendments) would avoid or mitigate environmental effects of a WBRP water transaction program in the County. The General Plan policies would not affect any of the cumulative projects and would not contribute to cumulative impacts on the environment.

Prior to any future water transactions under the WBRP, the SWRCB would need to complete an evaluation of the cumulative impacts of the water transfer in compliance with CEQA. Any past, present, and probable projects will need to be considered in that future analysis. This EIR does not include an analysis of cumulative impacts for the conceptual water transaction scenario because the timing and location of any future transfer applications under the WBRP is unknown, and the cumulative projects that would be applicable to those future water transfers cannot be determined at this time.

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**Figure 5.5-1 Cumulative Projects**



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### 5.6 References

Mono County Community Development Department. (2018 , June 6). Commercial Cannabis Activity Use Permit Information.

Mono County Community Development Department. (2019, May). CEQA Guidelines Section 15183 Environmental Analysis for Walker River Farms Cannabis Microbuisness Mono County, California.

Mono County Office of Planning and Research. (2019, July 2). Notice of Exemption Cannabis Operation Permit 19-002/ Walker River Farms.

The Sheet: News, Views & Culture of the Eastern Sierra. (2019, July 13). Notice of Public Hearing: Conditional Use Permit 19-008 Julian Family Ranch. Retrieved from [http://thesheetnews.com/wp-content/uploads/2019/07/Sheet\\_July-13-2019.pdf](http://thesheetnews.com/wp-content/uploads/2019/07/Sheet_July-13-2019.pdf)