

Environmental Self-Mitigation

The environmental impact report (EIR) prepared for the current 2000-2020 General Plan contains this statement: “For the most part, the General Plan Update is intended to be self-mitigating; it is assumed impacts identified in this EIR would generally be mitigated through adopted Federal, State, and local laws and regulations, through the implementation of identified General Plan policies and programs for unincorporated areas of the County, or some combination thereof, rather than through measures independent of the General Plan.

In hindsight, that assumption proved wrong.

Prior to adopting the current 2000-2020 General Plan, the County prepared an EIR that focused on the impacts that increased economic activity would have on the environment, including effects on agriculture, public services, and air quality. Where effects were judged potentially adverse, the EIR described feasible mitigation measures to lessen or completely eliminate such effects.

The 2000 EIR concluded that not all impacts could be fully mitigated. Thirty-seven effects were found to be both adverse and unavoidable, among them adverse impacts on biological resources, transportation infrastructure and the county’s water supply. Still, to lessen these impacts, the County designated nearly 300 General Plan policies as mitigation measures to lessen the adverse effects of plan implementation. For example, regarding the effect on the county’s water supply, the County selected ninety policies to serve as mitigation measures, including these two:

Policy OS-A.1: The County shall develop, implement, and maintain a plan for achieving water resource sustainability, including a strategy to address overdraft and the needs of anticipated growth.

Policy OS-A.7: The County shall develop a repository for the collection of county water resource information and shall establish and maintain a centralized water resource database. The database shall...provide for the public dissemination of water resource information.

To ensure implementation, the County adopted dozens of implementation programs, including these:

Implementation Program OS-A.B: The County shall establish and maintain a centralized water resource database for surface and groundwater that includes the water budget, groundwater monitoring data, and the groundwater recharge site inventory.

Implementation Program PF-C.A: The County shall develop a process for resolution of water supply problems and apply the process when areas of need are identified.

The County reasoned that since it was committed to implementing the plan, there was no need to set up a mitigation monitoring program independent of the General Plan. The plan would be self-mitigating.

Absent a monitoring program, some policies and programs were only partially implemented — and some not at all. For example, with regard to Program PF-C.A, which required the development of a process to resolve water supply problems, the County’s first annual progress report (**APR**), published in 2003, reported “no progress.” More importantly, over the next seventeen years, no APRs reported that progress had been made. There is no documentation to show that the County developed a process to resolve water supply problems.

Government Code 21081.6(b) requires that mitigation measures be fully enforceable.

California Government Code 21081.6(b): *A public agency shall provide that measures to mitigate or avoid significant effects on the environment are fully enforceable through permit conditions, agreements, or other measures.”*

At present, the County has no system for routinely monitoring the implementation of policies designed to mitigate the adverse effects of plan implementation. As a result, there is no way for elected officials or county residents to know if mitigation has been successful. For the 2020-2040 update, the County needs to work with county residents to develop such a system.