

## **EIR's Statement of Project Objectives Was Unduly Narrow**

The EIR for a bottling plant in Siskiyou County withstood challenges to the project description and impacts analysis, but the EIR's stated project objectives were unreasonably narrow and the County should have recirculated the EIR in light of significant new information about project emissions. *We Advocate Through Environmental Review v. County of Siskiyou*, 78 Cal.App. 5th 683 (2022).



Siskiyou County granted permits to Crystal Geyser Water Company to reopen a bottling plant that had ceased operations under prior ownership. Plaintiffs sued, alleging that the County's environmental review for the bottling facility was inadequate under CEQA.

The plaintiffs claimed that the County provided a misleading description of the project. The appellate court disagreed, finding that the County properly considered the project as a whole, disclosed its limited approval authority, offered groundwater extraction estimates based on substantial evidence, and evaluated the maximum pumping that would be allowed.

The court rejected plaintiffs' challenges to the County's evaluation of environmental impacts to aesthetics, air quality, climate, mitigation measures and enforcement, noise, and hydrology, dismissing many claims as unsubstantiated or undeveloped. The court agreed, however, that the County should have recirculated the EIR based on the addition of significant new information about project greenhouse gas emissions, even though the EIR's ultimate conclusions remained unchanged.

The court also rejected plaintiffs' argument that the County improperly approved the project because it would result in noise impacts inconsistent with the County's and the City's general plans, finding that plaintiffs did not properly identify such a conflict.

Plaintiffs also contended that the County defined the project objectives in an impermissibly narrow manner. The court agreed, explaining that a clearly written statement of a project's objectives is essential to develop a reasonable range of alternatives capable of achieving those objectives. The EIR stated eight objectives that largely defined the project objectives as operating the project as planned, precluding the proper consideration of project alternatives and turning the EIR's alternatives section into "an empty formality." The court thus found that the County's reliance on these objectives prejudicially prevented informed decision making and public participation.

The court accordingly ordered entry of judgment requiring the County to (1) revise the statement of the project objectives, (2) revise the alternatives analysis in light of the new statement of project objectives, and (3) recirculate the EIR's discussion of greenhouse gas emissions to allow comment on the new emission estimates.

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