

Template & Instructions for Comment on a Section of the General Plan DEIR.

SECTION 4.# TITLE OF SECTION IN CAPS (like “SECTION 4.1 AESTHETICS”)

4.#.1 Introduction

This section lists the impact evaluated and the major documents used as references. It is O.K. to skip this section, so long as you make the relevant comments in another section below.

If you choose to evaluate this section, then it is a good time to refer back to our scoping document on the CAP/CPC website (www.calaverascap.com) to help you comment on this section.

You can list any impacts we asked to be evaluated that were not evaluated. Ask that the impacts be evaluated in the Final EIR. In the alternate, ask the County to please provide an explanation in the Final EIR, based upon substantial evidence in the record, for not evaluating these impacts. Also, ask the County to list its refusal to evaluate these impacts among the controversies listed in the Executive Summary of the Final EIR. If you prefer to make these comments in the section below on Impacts and Mitigation Measures, that is also very good.

For most impact item, our scoping comment included a folder of reference documents on impact analysis and impact mitigation. If these are not among the reference items listed in the introduction, or in the references for your section at the end of the DEIR, then ask the County to review these documents and use them in the Final EIR.

If you want the County to adopt specific mitigation measures from the documents we provided during scoping, do so in the section below on Impacts and Mitigation Measures.

4.#.2 Existing Environmental Setting

In this section, correct any mistakes the EIR makes regarding the setting, and add other important information about the setting that the EIR leaves out. Such information may come from other EIRs you have read, agency reports, scientific research reports, your field trip to the site, or from other first-hand observations from people who have lived in the area a long time.

For example, if the topic is well water, historic well failure information is useful. If the topic is wildlife, a recent nearby sighting of a rare species may be relevant. If the topic is recreation problems, information regarding overcrowding, law enforcement incidents, etc. is useful.

For format purposes, identify the page of the EIR upon which you are commenting. Paraphrase or quote the section of the text or graphic upon which you are commenting. If you like, you can

cut and paste from the electronic version of the EIR available on the Calaveras County web site. Then make your correction, suggestion, or addition. Reference any supporting documentation you have. Finally, tell the County that you want the change made in the Final EIR. For Example:

“On page 3.0-34, the DEIR states, “The sun revolves around the earth.” Since the time of Galileo, it has been well established that the earth revolves around the sun. (Exhibit 4.# - 1, Galileo, On the Revolution of the Planets, pp. 10-20.) Please correct this in the Final EIR.”

Collect your supporting documentation and provide it as an appendix to your comments. Number the exhibits using your section number, followed by a dash, and then the exhibit number. For example, Exhibit 4.3-1, 4.3-2, 4.3-3, etc.

Finally, even if there are no corrections to make, or if you don't have any information to add, another important comment is TO ASK THE COUNTY TO GET THE INFORMATION THAT IS NEEDED. It is their job to write an EIR that informs the decisionmakers and the public debate on the issues. It is their job to collect available information. For example, it would be great to ask the County, “What data has the County collected regarding visitor numbers at the nearby park? Has the County done a head count, windshield survey, or other method of quantifying lake crowding? If not, please do so and put the results in the Final EIR.”

4.#.3 Regulatory Context

In this section correct any mistakes the EIR makes regarding the regulatory framework, and add other important information not mentioned in the EIR. This is an excellent opportunity for you to explain the history of regulatory failure on an issue. For example, if the Air Quality Management Agency has had many Air Quality Attainment Plans over the years, but has still failed to attain the air quality standards, note that. If the waste water treatments plan's monthly spill reports show lots of spill problems, note that.

EIRs rarely provide this critical information, and the courts are getting more supportive about the public demanding it. The history of regulatory failure is relevant because it identifies weaknesses in the regulatory structure. It lets the County know that it cannot merely rely on those failed institutions to mitigate impacts. Too often EIRs simply say things like, “The project's waste water will go to the local waste water treatment plant, so there is no significant impact from the project.” That conclusion is only true if the waste water treatment plant works. If it does not, then the project is making an already bad environmental impact worse.

Use the same format as noted above. For example:

“On page 3.0-54, the DEIR states, “The projects solid wastes will go to the Big Dump Landfill, that has enough capacity to serve the area for another 25 years.” Please note that the Big Dump Landfill has been repeatedly cited over the past ten years for fouling Big Creek with leachate from the Big Dump. To date, the Regional Water Quality Control Board has been unable to get the Big Dump to install a leachate collection system. (Exhibit 4.#-2, SWRCB, Notices of Violation from 1995 – 2005.) Please note this in the Final EIR.”

Again, even if there are no corrections to make, or if you don't have any information to add, another important comment is **TO ASK THE COUNTY TO GET THE INFORMATION THAT IS NEEDED**. It is their job to write an EIR that informs the decisionmakers and the public debate on the issues. It is their job to collect available information. For example, it would be great to ask the County, “Has the waste water treatment plant had any spills over the last three years? Has it received any notices of violation from the Regional Water Quality Control Board? If so, please describe these in the Final EIR.”

4.#.4 Impacts and Mitigation Measures

This is a very important section with lots of review tasks.

Your first task in this section is to correct any errors the DEIR makes in its choice of Thresholds of Significance. These are the criteria used in determining if an impact is significant. CEQA supports the use of local standards of significance when there are local resources that are of critical importance, or that are already severely impacted (like over-crowded lakes, traffic jammed streets, etc.). Thus, feel free to suggest stricter standards than are used in the DEIR.

Your next task is to correct any mistakes in the methodology used in measuring, and reporting the impact. For example, the botanical survey could have been done at the wrong time of year to find the plant species in question. That is a methodology mistake you might point out.

Alternately, the table reporting of the impact may be so confusing that it makes no sense to you. The DEIR is supposed to explain impacts in plain language that you can understand. You might ask that the County revise the table in the Final EIR so that people can understand it.

Your next task will be to review the evaluation of the impact, and the adequacy of the proposed mitigation measures. For example, the DEIR may conclude that using its standards of significance, an impact is insignificant; whereas, using your superior local standard of significance, the impact would be significant. You would want to point this out, and ask that the correction be made in the Final EIR. Also, you may find that the proposed mitigation measure is not worded in a definite and enforceable way as required by CEQA. You would want to point this out, and suggest more definite and enforceable language in the Final EIR. Finally, you may propose additional mitigation to reduce significant impacts of the project. This is a great opportunity to ask for what you want. If the County refuses to adopt your mitigation measure, the Final EIR must explain why.

Use the same format as noted above. For example:

“On page 3.0-74, the DEIR states, “The projects solid wastes will go to the Big Dump Landfill, which has enough capacity to serve the area for another 25 years. Therefore, the solid waste impacts of the project will be insignificant.” Please note that the Big Dump Landfill has been repeatedly cited over the past ten years for fouling Big Creek with leachate from the Big Dump. To date, the Regional Water Quality Control Board has been unable to get the Big Dump to install a leachate collection system. (Exhibit 4.#-2, SWRCB, Notices of Violation from 1995 – 2005.) Therefore, the solid waste impacts of the project will be significant and unavoidable. Please note this in the Final EIR.”

Again, even if there are no corrections to make, another important comment is TO ASK THE COUNTY TO GET THE INFORMATION THAT IS NEEDED. It is their job to write an EIR that informs the decisionmakers and the public debate on the issues. It is their job to collect available information. For example, it would be great to ask the County, “Has the proposed mitigation been used by other projects in the County? What have the mitigation monitoring and reporting results indicated regarding its effectiveness? Please indicate in the Final EIR how effective the mitigation was. Please provide copies of these monitoring and reporting results in an appendix to the Final EIR.”

4.#.5 Exhibits

Provide your exhibits in this section. These are very important. These documents are the evidence that the County and its professional consultants failed to find and disclose in the many months they had to complete their study, but that the members of the general public were able to gather, analyze, and present in their spare time in only a few months. The evidence is especially embarrassing to the County when it comes from documents prepared by the County or in the County’s possession, such as Capital Improvement Plans, General Plan Amendments, Notices of Violation, Letters from State Agencies to the County, other EIRs, etc. The omission of this information from the DEIR suggests that the County is not making a good faith effort at full disclosure.

Label your exhibits in order near the upper right hand corner of the first page. For example: Exhibit 4.3-1, Exhibit 4.3-2, Exhibit 4.3-3, etc. If the exhibit needs explanation for people to understand it, you may want to put an explanation on a cover sheet for the exhibit. I almost always provide a cover sheet with an explanation of the exhibit. If you can’t find the exhibit now, but are sure you will be able to find it soon, we can submit it later, before the Board of Supervisors makes its final decision on the project. Exhibits in electronic files (e.g. .pdf or .jpeg) are fine.