

****Instructions for a Comprehensive Comment on the General Plan DEIR****

[Your Name Here]

[Your **Mailing**

Address here]

[Your email here]

August 13, 2018

Peter Maurer, Planning Director
Calaveras County Planning Department
891 Mountain Ranch Road
San Andreas, CA 95249
pmaurer@co.calaveras.ca.us

RE: Comments on the Draft General Plan DEIR.

Dear Mr. Maurer:

Thank you for the opportunity to comment on the General Plan DEIR. (Optional)

As you know, the General Plan DEIR identifies over two dozen significant impacts associated with development under the General Plan through 2035. (Optional)

My main concerns are the impacts to [list].

In summary, I strongly encourage the County to [provide a list summarizing your key recommendations].

Below are my detailed comments on the DEIR.

Attached are a number of exhibits I am providing to help you improve the DEIR and the general plan.

Please retain a copy of these comments and exhibits for the administrative record.

Please respond to these comments in the Final EIR.

Please put me on the list of people to notify when the Final EIR is complete.

Sincerely,

[Sign your name]

****NOTE- YOU DO NOT HAVE TO COMMENTS ON EVERY SECTION OF A DEIR****

Chapter 1 Introduction

This is an optional section that can contain any number of things or be missing entirely. Most people do not bother to review it. If you want to you can **correct any inaccuracies** you find. **Ask for an explanation** of anything that you don't understand. Ask for additional useful information. Where broad statements or conclusions are made without any reference to supporting evidence, **ask for the supporting evidence**.

Chapter 2 Executive Summary

The executive summary is important because it provides decisionmakers with a checklist of decisions they must make to ensure that difficult issues do not get swept under the rug. It is often neglected, because both consultants and government staff are often reluctant to concentrate so much bad news in one place so easily accessible to the people who hire and fire them.

The summary needs to list impacts and mitigation measure, list controversies, and list issues to be resolved.

Note if the summary does not include a list of impacts and their mitigation measures.

If any of the mitigation measures are not mandatory, and do not commit the county to actually reduce or avoid an impact, note that these mitigation measures are inadequate.

If the selection of mitigation measures is deferred to the future, see if there (1) is a list of feasible measurer from which to choose, (2) a commitment to choose the precise measures by a particular time or circumstance prior to the potential impacts, and (3) an objective standard it will be required to meet.

Note if the summary lacks a list of controversies known to the agency. The General Plan Update has been the subject of public debate for 12 years. While some of the issues may have been resolved, others have not. If your find the list incomplete, add to the list those controversies that you want the Board of Supervisors to address before making its final decision.

Note if the summary lacks a list of issues to be resolved. This list should include the choice among alternatives, and options for mitigating the impacts. In this instance, the general plan consultants actually completed an Issues and Opportunities Report in 2008 that listed issues that needed to be resolved through the general plan update. See if it is properly summarized here.

Chapter 3 Project Description

There is a laundry list of things in a project description:

- The **location** and boundaries of the project.
- The purpose of the project and the **objectives** the project seeks to achieve. (These are important because they will later be used as an excuse to rule alternatives and mitigation measures infeasible.)
- The general description of the project's technical, economic, and environmental **characteristics**.
- A list of the **agencies** expected to use the EIR in their decisionmaking.
- A list of permits and other **approvals** needed to implement the project.
- A list of the agency's **consultation requirements** under state, federal and local law. (For general plans, an agency must consult school districts, Native American Tribes, the California Geological Survey, and the Board of Forestry and Fire Protection.)

Note if any of the items on this list are missing.

There are also three standards that a project description must meet; it must be clear, stable, and finite.

Note if the project description is not complete or "finite." For example, if the action being evaluated in the DEIR is only part of a larger project, note that. For example, if the DEIR only evaluates the impacts of a roadway through an undeveloped area, but does not evaluate the proposed developments on both sides of the roadway, the project description is incomplete. Ask the County to evaluate the impacts of the entire project.

Note if the project description is not clear. For example, if you read an element of the Draft General Plan, and 45 of the policies are optional, and only 5 of the policies actually require the County to do something, you could argue that the project is so vague that it is impossible to evaluate the impacts.

Note if the project description is not stable. For example, if the County had made major changes to the Land Use Map after it released the DEIR, then the project would have been unstable.

Chapter 4 Existing Environmental Setting, Impacts, and Mitigation

This is the bulk of the EIR that evaluates each potentially significant environmental impact separately from A to Z (aesthetics, agriculture, air quality...transportation). **Most people only comment on the sections that interest them the most.** If you have one issue you care about, it is very valuable for you to comment on that issue. **You do not have to comment on all the issues.** Others comment on each section. Each impact evaluation sections follow the same format.

If your favorite impact is not evaluated in the EIR, it is because the County determined that the impact is not likely to be significant in its initial study. If you have substantial evidence that the impact may be significant, you can present it to the County, ask that the impact be analyzed in a revised DEIR, and ask that the Revised DEIR be circulated for public comment.

You can use the format below for organizing your comments on Chapter 4 of the 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 your scoping document, or to other comments you made during the General Plan Update to help you comment on this section. You can also refer to scoping comments made by others who dealt with this issue. The scoping comments are provided in DEIR Appendix Volume I, Appendix B.

Some scoping comments asked that the DEIR evaluate specific impacts (e.g. past ag. land conversion, road funding shortages, etc.) You can **list any impacts people asked to be evaluated in the DEIR that were not evaluated in the DEIR.** 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.

If you provided reference documents on this subject to the County in the past, check to see 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. If your reference documents were not consulted, then provide them again, as they may have gotten lost over the last 12 years, or the staff at the Planning

Department was not around when you sent them in. Again **ask the County to review these documents and use them in the Final EIR.** Your evidence needs to be in the record to support your arguments.

If you have new reference documents to provide to the county, you can list them here, and ask that they be used in completing the Final EIR.

If you want the County to adopt specific mitigation measures from the documents you provided during scoping or during other general plan comment periods, 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 a 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.

Use your favorite way to organize and to number the exhibits. For example, you can 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.”

If there is any term, jargon, or statement that you do not understand, ask the County to explain it in the Final EIR. It is their job to provide a document that can be rapidly understood by decisionmakers and the public.

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.

For an EIR to be valid, it must be a good faith effort at full disclosure. If you are reading the DEIR, and seeing half-truths, then you can point those out, and tell the other half of the story. Encourage the County to include that information in the Final EIR.

Use the same format as noted above. For example:

“On page 3.0-54, the DEIR states, “The project’s solid wastes will go to the Big Dump Landfill, which 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."

Again, **if there is any term, jargon, or statement that you do not understand, ask the County to explain it** in the Final EIR. It is their job to provide a document that can be rapidly understood by decisionmakers and the public.

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, a half-burned forest, 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. If you find an error in methodology that **severely undermines** the impact analysis, then you may want to hire an expert in the field to point it out. While minor expert disagreements do not invalidate an EIR, a study that is without a valid basis cannot support an agency decision. Of course, you may qualify as an expert based upon your own training, knowledge, and experience.

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.

Some impact analyses are summaries of detailed studies found in the Appendices, Volume II. You can evaluate the appendices as well. Feel free to ask questions about anything that you do not understand. Chances are, somebody else is wondering the same thing.

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 in writing, supported by substantial evidence in the record.

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.”

Feel free to include in your comments any evidence you wish that supports your argument. You can add a picture, a table, a graph, a map, or whatever is needed to make your point.

Repeat this comment process for each environmental impact you want to comment upon.

Repeat this comment process for each environmental impact you want to comment upon.

Repeat this comment process for each environmental impact you want to comment upon.

Chapter 5. Cumulative Impacts and Other CEQA Sections

5.2 Growth Inducing Impacts

This needs to be a discussion of how the project could foster economic or population growth, or the construction of additional housing, either directly or indirectly. The section needs to explain how the project would remove obstacles to population growth. This section then identifies the impacts that will result from this aspect of the project. For example, a general plan that is missing a requirement for conservation easement offsets for the conversion of agricultural land to other developed uses, fosters those conversions, and makes the impact worse.

5.3 Cumulative Impacts.

The cumulative impacts analysis is O.K. if it is based upon a comprehensive list of past, present, and probable future projects or from a summary of such projects from an adopted local, regional or state plan or related planning document. For an example of the latter, part of cumulative impact on forest habitat could be taken from the environmental impact statement for the National Forest Plan.

The cumulative impacts analysis is not O.K. if it fails to combine the impacts of the project with other projects causing related impacts (e.g. private logging regulated by CDF, USFS Projects, BLM projects, East Bay MUD projects, Angels Camp projects, projects from neighboring counties, etc.)? If the analysis leaves out some of these types of projects and their impacts, then list the other sources of impacts and ask the County to correct the analysis in the Final EIR.

It is O.K. if the EIR gives a valid explanation of the geographic scope of the cumulative impact analysis. **It is not O.K. if the EIR does not evaluate the relevant geographic scope of the impacts.** For example, the pollution level in a stream may be within regulatory limits when the stream is in the County, but that is not the end of the cumulative impact analysis if that pollution contributes to a water quality violations in the next county downstream.

Does the EIR recognize how severe the existing problems are, and therefore provide a very low threshold of significance for the cumulative impact? If not, then note that in your comments, and suggest that the threshold be lowered.

Is mitigation proposed to deal with the project's share of the cumulatively significant impact? If not, provide some or ask that the County put some in the Final EIR.

Does the mitigation actually alleviate the project's fair share of the cumulative impacts? If not, then the cumulative impacts is not mitigated. Ask for additional mitigation. This can take the form of ordinances and regulations, or it can be conservation programs.

Are the conclusions regarding the significance of the cumulative impacts supported by evidence in the record, or does the County **jump to a conclusion**? If the evidence that supports the conclusion is not provided, ask that the County identify the evidence in the Final EIR.

5.4 Energy Conservation

This section needs to discuss the energy to be used in construction, operation, and transportation related to the project.

This section must compare these estimates to state of local plans for energy conservation, **including those related to greenhouse gas reductions**. It is not sufficient to rely on building code and state emission reduction plans and assume that they will result in the needed energy conservation.

For the EIR to conclude that the energy conservation targets will be met, the EIR must demonstrate by analysis that the mitigation measures will be sufficient to meet the conservation targets. If the DEIR includes only the bald conclusion or assumption, write in your comment that the analysis is insufficient.

5.5 Significant and Irreversible Environmental Changes

This section compares uses of resources now that will foreclose choices in the future.

This section identifies impacts that will be experienced over the long-term because once they are built, the impacts go on for a long time. For example, construction of a big highway may commit future generations to similar uses, and similar impacts. Add to this list in the EIR if it is incomplete.

The use of irreplaceable resources must be considered to determine whether current consumption is justified, as opposed to conservation of some amount for future generations. If you believe that the EIR is not properly evaluating the adverse effect on the future associated with your impact of concern, then explain why and ask that the explanation be included in the final EIR. For example, the conversion of agricultural land into homes at the end of the plan life in 2035 most likely forecloses that land for agricultural use for two or three generations into the future.

5.6 Significant and Unavoidable Impacts (SUI)

This is a list of all the impacts that were determined to be unavoidable based upon the impact analyses in Chapter 4, and cumulative impact analysis in Section 5.3.

If one of the SUIs is left out note that.

By far the most useful thing you can in this section is to identify a mitigation measure that was not considered in the EIR, but that has been successfully implemented in another place

to reduce the impact. You can provide the County with the examples and ask them to include the mitigation measure in the Final EIR, and encourage the Board of Supervisors to adopt it. If you have a model policy, program, or code section that is great. If you can draft the policy, program, or code section to meet local needs, that is outstanding. If the County rejects your mitigation proposal, it must explain why in writing, rationally and based upon substantial evidence, that the mitigation you propose is either economically, environmentally, legally, socially, or technologically, infeasible.

Chapter 6. Alternatives Analysis

This section must describe a **reasonable** range of alternatives to the project, or the location of the project which would achieve most of the basic objectives, but substantially lessen any of the significant impacts. If the range of alternatives is too narrow (for example because all the action alternatives use the same policy text), then state that.

It must evaluate the comparative merits of the alternatives. If the analysis is not quantified or mapped when it could be quantified or mapped, and that failure makes it impossible to make a rational choice among alternatives, then say so. (For example, if the action alternatives differ in the land use designation maps, but the maps are not provided.)

The range of alternatives must be sufficient to foster informed decisionmaking and public participation. (For example, there would be a problem if the public worked with the County on an alternative for five years, at a cost of almost \$1 million, and then that alternative was not considered in the EIR.)

The alternatives may impede to some degree the attainment of project objectives, and may be more costly. Those are the sacrifices that we as Californians have chosen to make to have nature and man coexist in productive harmony. Individual elected officials may not like that obligation, but they have no legal authority to ignore it.

An alternative may be excluded from consideration if it does not meet most of the objectives of the project, if it is infeasible, if it does not avoid significant environmental effects, if its effects cannot be ascertained, or if its implementation is too remote and speculative.

A “no project” alternative must be considered, which in this case is some level of buildout under the existing 1996 general plan.

Chapter 7. References

This is a unique task.

- 1) First, one requests to review all the reference materials.
- 2) If a reference material is unavailable to review, you state that in your comment. (e.g. “Agricultural Productivity in California, was referenced in section 4.2 of the DEIR, but was not made available to the public during the review period. Please remove information in the Final EIR based upon that text. That text cannot be considered part of the substantial evidence in the record.”)
- 3) If you cannot tell from the DEIR section which page is being used in the reference material, say so in your comment. (e.g. “The document referenced in section 4.2, Agricultural Productivity in California, is 456 pages long, and it is impossible to tell which passage the DEIR is referencing. In the Final EIR, provide a citation to the page the DEIR is referencing.”)
- 4) If you can tell from the DEIR section which page is being used in the reference material, ask that the page be directly cited in the Final EIR. (e.g. “In the Final EIR, please provide the direct citation to ‘Agricultural Productivity in California, pp. 55-56’ at the end of the sentence on page 4.2-12 stating, “Calaveras County rangeland is not unique, as it is ranked in the middle of the pack of California counties with regard to the amount of grass produced per acre.”)
- 5) If the reference material includes information contrary to that which is referenced in the DEIR, mention that. (e.g. “The DEIR references Agricultural Productivity in California to support the premise that Calaveras County rangeland is not unique. However, the passage on page 56 of that document goes on to state, “However, the quality of the grass is among the best in the state.”)

Chapter 8. EIR Authors and Persons Consulted

The DEIR is supposed to be an interdisciplinary project of experts in each impact area. If you have reviewed a particularly amateur impact analysis section, and that impact specialty does not appear to be reflected in the list of authors, you can ask: Who are the authors of the agricultural impacts section? What are their qualifications?

Chapter 9. Appendices Volume 1

Appendix A - Notice of Preparation

The NOP includes a list of agencies that received the DEIR, because they have jurisdiction over the resources impacted by the project. Note any agencies that should be on the circulation list but that were excluded. Ask the County if these agencies were sent a copy of the DEIR. Send the excluded agencies a Notice of Availability of the DEIR by email. Ask them to request a comment period extension if they need one to provide comments on the DEIR.

Appendix B - NOP Comment Letters

Note any controversies raised in the NOP comment letters but not listed in the EIR Executive Summary. This is especially key for controversies raised by commenting federal, state, regional, and local agencies.

Note any impact analyses requested in the NOP comment letters but not completed for use in the DEIR. Note any mitigation measures listed in the NOP comment letters but not discussed in the DEIR (e.g. Water Element, Energy Element, Community Plans, etc.).

Note alternatives (e.g. Mintier Draft General Plan) proposed in the NOP comment letters but not discussed in the DEIR.

10. 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 weeks.

The evidence may even come 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 such information from the DEIR suggests that the County is not making a good faith effort at full disclosure.

Label and organize your exhibits as you prefer. For example, you can 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 closes the public hearing and makes its final decision on the project. Exhibits in electronic files (e.g. .pdf or .jpeg) are fine. While merely listing a URL for a webpage may be O.K. for the County's references, it may not be O.K. for your exhibits. It is best to go to the website, copy the relevant pages, submit them as a document, and provide the URL as the sources of the document.

Some types of evidence do not fit easily into traditional paper documents. When describing what open range land means to you, a folk song can be more expressive than a letter. When describing the disappearing rural lifestyle, a video of a family saying grace over a meal of fresh food, or sweaty kids mucking out stalls, may say more than a letter. When assessing cultural impacts, a video of a Native American elder speaking to her grandchild while weaving by the river can be more effective than a letter. When assessing aesthetic impacts, a picture of an ugly building, or a picture of a scenic vista, may be more effective than a map alone. You can submit these electronic exhibits as well on disks, flash drives, or as email attachments. For the convenience of the agency, you can also post them for downloading from a website or the cloud.