Munz's onion (*Allium munzii*) is state-listed as Threatened and federally-listed as Endangered, and is known from heavy clay soils in western Riverside County. The type locality was known to harbor a population of about 1,000 plants for years. However, consultants for a development project on site only identified about 200 or 300 individuals (CNDDB and local herbaria were not consulted for further information on the population). Thus it was incorrectly assumed only 75 plants would be lost and this became the basis of translocation plans. In 2001 at least 1,500 plants were observed in only a portion of the site. However the translocation requirements were only doubled and the parent site is anticipated to be eliminated soon. Photograph by R. Bittman.

HOW TO COMMENT ON A CEQA DOCUMENT

by Taylor Peterson

The California Environmental Quality Act (CEQA; Pub. Resources Code, § 21000 et seq.) gives interested citizens an opportunity to address the impacts of development projects on plants and plant communities. Public input is a critical component of the CEQA environmental review process. While consultants and professional planners have expertise in their fields, they do not always have familiarity with local ecological issues that members of the community have.

ACRONYMS

CDFG	California Department of Fish and Game
CEQA	California Environmental Quality Act
DEIR	Draft Environmental Impact Report
EIR	Environmental Impact Report
FEIR	Final Environmental Impact Report
IS	Initial Study
Neg Dec	Negative Declaration
NOD	Notice of Determination
NOP	Notice of Preparation
OPR	Office of Planning and Research (Governor's)

Information provided by citizens who are knowledgeable about the natural resources of a proposed project area can improve the quality of the CEQA review, simplify the job of the public decision-makers, and make an important difference in the quality of protection that natural resources receive. Citizens need to understand the CEQA process in order to make effective use of this important—but hardly fail-safe—tool.

This article depends upon frequently used terminology (refer to the Glossary on pp. 69-71 for definitions) and describes the basic process followed for two CEQA documents: the Negative Declaration (Neg Dec), which is filed for projects not expected to cause significant and unavoidable environmental impacts, and the Environmental Impact Report (EIR), which is required where such impacts are expected. A discussion of exempt projects (i.e., projects not subject to environmental impact analysis) is also provided.

Also offered are specific suggestions for effective public participation in the review process. The California Native Plant Society has often taken official positions on controversial projects and provided expert testimony at hearings. Familiarity with the laws and some acquaintance with the public review process empowers us to participate not only as CNPS members, but also as informed citizens.

THE CEQA PROCESS

It is critically important to be involved throughout the CEQA process in order to retain the right to challenge an EIR in court if it becomes necessary. Members of the public cannot challenge the adequacy of a document without having "exhausted their administrative remedies," that is, if they have not commented when comments were requested. Sometimes exhausting the administrative remedies requires more than just providing comments when they are requested. It is a good idea to review all of the documents which are part of the legal administrative record of an EIR; requesting access to these documents may be an important step in exhausting the administrative remedies.

Every non-federal public agency in California that undertakes, supports, or approves a project by issuing a permit for land development is required by CEQA to review the potential environmental impacts of the proposed development. Such actions commonly include conditional use permits, variances, planned development permits, subdivision maps, and rezonings. CEQA applies only to these types of *discretionary actions*. *Ministerial actions*, which generally include issuing building permits and grading permits, are not subject to CEQA. Note that some grading permits are considered discretionary, and not ministerial, by some jurisdictions.

The local planning department usually starts the CEQA review, although sometimes the public works or transportation department or a utility district may perform this function. The first step is to determine if an action is a *project* as defined by CEQA (see figure on p. 29). If it qualifies as a project, the agency then determines whether it is exempt from CEQA.

The definition of *project* in CEQA is broad:

> "*Project* means an activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and which is any of the following: a) An activity directly undertaken by any public agency; b) An activity undertaken by a person which is supported, in whole or in part, through contracts, grants, subsidies, loans, or other forms of assistance from one or more public agencies; c) An activity that involves the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies." (*CEQA Guidelines*, § 21065)

If it is not exempt, the next step is to complete an Initial Study (IS) of potential environmental effect. If, after completing an IS, it is determined that the project either will not result in significant environmental impacts or can be modified to prevent such impacts, a Neg Dec or Mitigated Negative Declaration (Mitigated Neg Dec) can be prepared. If potentially significant

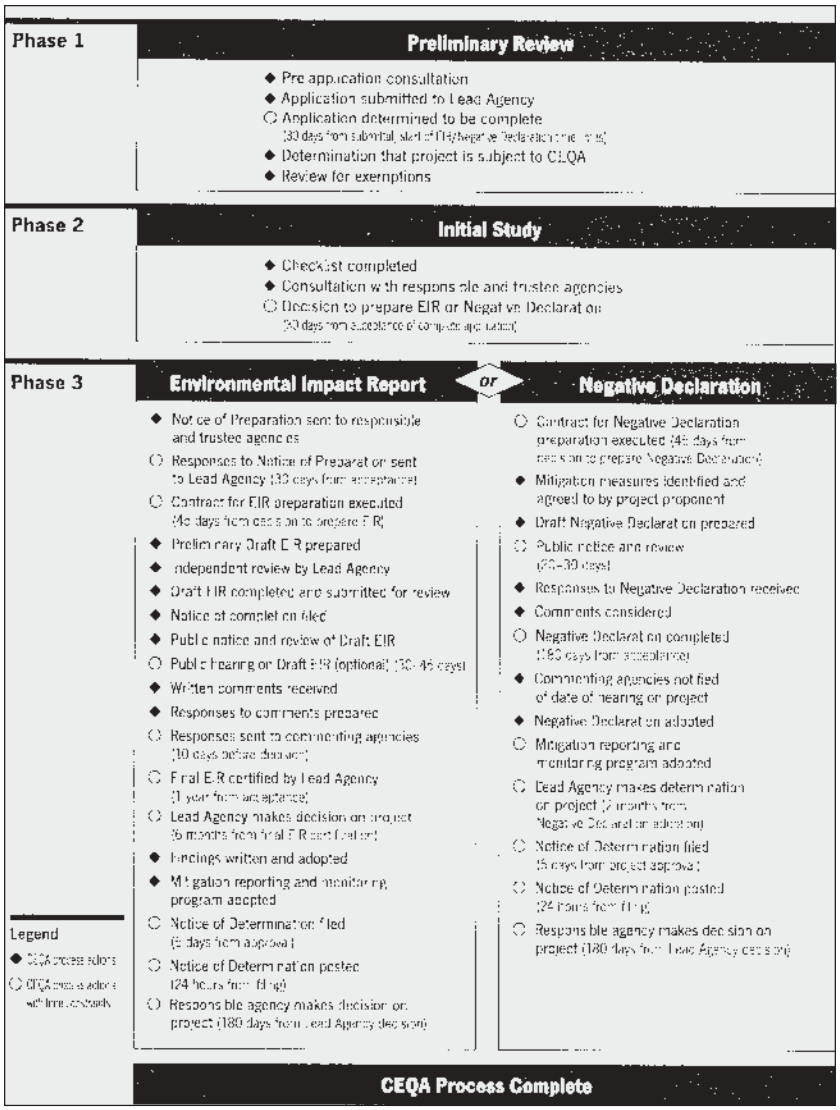
environmental impacts are anticipated and the project cannot be designed to avoid those impacts, the agency should require an EIR.

The agency overseeing these documents is called the *lead agency*. It is important to note that there are numerous circumstances in which the lead agency is also the project proponent. These projects may require particularly diligent scrutiny due to the potential for a conflict of interest.

The EIR, IS, Neg Deg, Mitigated Neg Dec, and any other CEQA documents can be prepared by the lead agency, by a consultant to the lead agency, by the applicant, or by a consultant to the applicant. Some lead agencies accept documents prepared by the applicant or consultants, while some prefer to prepare them in-house. More often than not, however, the agencies depend on outside preparers because of staff shortages or lack of technical ability.

Regardless of who prepares the document, once the agency has adopted the Neg Dec or certified the EIR, it is the lead agency that must defend the document if it is challenged in court. This hopefully prompts the lead agency to ensure that the document is accurate, complete, and legally adequate. In some jurisdictions the developer is required to pay all preparation and legal costs of defending the document. If this is the case, the jurisdiction has little vested interest in assuring that the document is complete, and this may also warrant more diligent scrutiny in reviewing the Neg Dec or EIR.

"Three Phases of the CEQA Process" from the *CEQA Deskbook* (Bass et al. 1999).



EXEMPTIONS FROM THE CEQA PROCESS

A project under CEQA may fall into one of four categories of exemption under the law: *statutory*, *categorical*, *general rule*, and *disapproved project*. Basically, exemptions apply to types of projects that have been determined by the legislature to have little or no environmental impact.

Statutory exemptions include ministerial projects; emergency projects; setting of tolls, fares, rates, or charges; and feasibility or planning studies for possible future action.

Categorical exemptions are classes of projects that the Secretary of Resources has determined will generally not have a significant effect on the environment. The Secretary has established 32 classes of categorical exemptions to date (see the *CEQA Guidelines*, §§ 15301 to 15332). Examples are replacement, repair, maintenance, minor alteration, etc. of an existing structure (Class 1), certain small facilities or structures (Class 3), and minor alterations to land (such as for landscaping) (Class 4). A categorical exemption does not apply if a reasonable possibility exists that a significant environmental effect may occur as a result of the project, including cumulative impacts (*CEQA Guidelines*, § 15300.2).

General rule exemptions are for projects where it is certain that there is no chance the activity could affect the environment.

A *disapproved project* is one where the agency has reviewed the

project's merits but finds that it warrants a quick disapproval, and thus need not proceed with a CEQA analysis.

Exemptions do not apply if the project is shown to have significant environmental impact, involves a listed hazardous waste site, affects scenic resources within a state scenic highway, or causes significant adverse changes in the significance of an historical resource. If an agency files a Notice of Exemption (NOE), there is a 35-day statute of limitations period on legal challenges to the agency's decision that the project is exempt from CEQA (*CEQA Guidelines*, § 15062(d)).

THE NEGATIVE DECLARATION

A Negative Declaration must be posted for public review for no less than 20 days. At a minimum, it should be posted at the lead agency's offices, most often the city or county planning department. It is best to call the lead agency and ask where such notices are posted. Notices also may be published in a newspaper of wide circulation. Any organization or individual that specifically requests notification is entitled to be notified. Negative Declarations rely upon the information provided in an IS. Thus, if you will be interested in commenting on the IS and Neg Dec, request in advance that the lead agency notify you when the IS is completed.

If the Neg Dec is circulated to state agencies through the State Clearinghouse for comment, the review period is no less than 30 days. State involvement is triggered if the project comes under the jurisdiction of a state agency. Most often this is the California Department of Fish and Game (CDFG), which serves as trustee for California's natural biological resources. CDFG must be consulted whenever those resources, such as sensitive plant or wildlife species or streams, are to be impacted.

CEQA Guidelines § 15063(g) states, "As soon as a lead agency has determined that an initial study will be required for the project, the lead agency shall consult informally with all responsible agencies and all trustee agencies responsible for resources affected by the project to obtain the recommendations of those agencies as to whether an EIR or a Negative Declaration should be prepared." For example, in *Fall River Wild Trout Foundation v. County of Shasta* (1999) 70 Cal. App. 4th 482, the court found that Shasta County's failure to notify the Trustee Agency of a Neg Dec violated CEQA (Bass et al. 1999).

Comments on the Neg Dec can be submitted any time during the review period. The comments are addressed to the lead agency, which is usually the local planning department; the contact person is indicated in the notice.

Prior to adopting a Neg Dec at the end of the review period, the lead agency must consider the comments received. A response to the comments is not required. The administrative body that adopts the Neg Dec varies; it may not always be an elected body such as the city council or county board of supervisors. In each case, it is best to ask the contact person named on the posted Neg Dec for clarification of the process.

If factual evidence of significant environmental impacts is presented in comments on the Neg Dec, then either the project has to be modified to avoid the impacts or an EIR must be prepared. Public controversy alone cannot trigger the requirement for an EIR; the requirement must be substantiated with factual evidence of potential significant impact. If there is conflicting evidence from experts, the agency is still required to prepare an EIR. This is known as the "fair argument standard."

After a Neg Dec is adopted, the agency must file a Notice of Determination (NOD) with the county clerk (when a local agency is the lead agency) or with the Governor's Office of Planning and Research (when a state agency is the lead agency). The NOD must also be sent to anyone who has previously requested in writing to be notified. Once the NOD is filed, there is a 30-day period in which the Neg Dec can be legally challenged. If it is not challenged during that period, the CEQA process is then complete for that project.

SIGNIFICANT ENVIRONMENTAL IMPACTS

Comments on the adequacy of a Neg Dec should focus on whether the project would result in *significant* environmental impacts not anticipated in the Initial Study. It is essential that the substantive comments be submitted in writing during the public comment period in order to become part of the administrative record upon which land-use decisions are made. Again, general public dissatisfaction is insufficient to document significant impacts.

How do you know what is significant? CEQA does not describe specific thresholds of significance, but § 15065 and Appendix G of the *CEQA Guidelines* (the Initial Study Checklist), provide some guidance, as shown in the sidebar on p. 31.

The *CEQA Guidelines* state, "The decision as to whether a project may have one or more significant effects shall be based on substantial evidence in the record of the lead agency." (*CEQA Guidelines*, § 15064 (f)).

In addition, an agency can adopt quantitative or qualitative thresholds that are appropriate to the environmental setting of its community. The Governor's Office of Planning and Research (OPR) has a

publication called *Thresholds of Significance: Criteria for Defining Environmental Significance* (OPR 1994) to help agencies with this task. It is also included as an appendix in the *CEQA Deskbook* (Bass et al. 1999).

STRATEGIES FOR REVIEWING A NEG DEC

When reviewing a Neg Dec, first determine if the project description seems to include a clear description of all project features and activities that could result in a physical change to the environment. Some of the less obvious project activities that may be overlooked in the project description for a Neg Dec are related to project phasing, relationship to other projects or facilities, and infrastructure systems required to support the project, such as access roads, septic systems, sewer lines, and power lines. These could result in impacts outside the building area. Try to picture what will be necessary to build and operate the project, and check the project description to see that it includes all of the pieces. If necessary, ask the lead agency for clarification.

FINDINGS OF SIGNIFICANCE

A finding of significance is mandatory where a project would . . .

- substantially degrade the environmental quality of or reduce fish or wildlife habitat.
- cause a fish or wildlife population to drop below a self-sustaining level.
- threaten to eliminate a plant or animal community.
- reduce the numbers or range of a rare, threatened, or endangered species.
- eliminate important examples of the major periods of California history or prehistory.
- achieve short-term goals to the disadvantage of long-term goals.
- have environmental effects that are individually limited—but cumulatively substantial—when viewed in the context of past, current, and reasonably anticipated future projects.

Bakersfield cactus (*Opuntia basilaris* var. *trealesei*) is state- and federally-listed as Endangered, and known only from Kern County. Once abundant on the bluffs and low hills around Bakersfield, many occurrences have been extirpated by agriculture and development. Photograph by J. Carnal.

Previously included in the genus *Hemizonia*, the Southern tarplant (*Centromadia parryi* ssp. *australis*), left, is a CNPS List 1B plant from mesic areas in southern California. Its habitat has been heavily fragmented by urbanization and many populations have been extirpated. Photograph by A. Brinkman-Busi. • Small-leaved rose (*Rosa minutifolia*), right, is state-listed as Endangered, and is known in California from only one occurrence on Otay Mesa in San Diego County. Despite its listing status, the population was transplanted in 1997 as mitigation for a development project. Photograph by CNPS.

The analysis of impacts in a Neg Dec is based on the Initial Study (IS). A Neg Dec does not have to be as exhaustive in its analysis of impacts as an EIR, but it should be well documented. If the IS includes only a checklist without additional text explaining the responses (including the "No" responses), or at least referencing other documents or maps, then it is *not complete*.

The IS in support of the Neg Dec should demonstrate that each potential impact, including cumulative impacts, has been carefully considered before determining that the effects would not be significant. Strong documentation is encouraged by the *CEQA Guidelines* and the outcome of CEQA case law (*CEQA Guidelines* § 15063(d); *Sundstrom v. Mendocino* (1988) 202 Cal.App.3d 296; *Leonoff v. Monterey County Board of Supervisors* (1990) 222 Cal.App.3d 1337). With regard to natural resources, and rare species in particular, the documentation should include the results of a biological assessment.

The commenter should review this documentation to verify that all of the potential impacts have been considered. If they have not, then a *written comment* should be made to the lead agency indicating what impact has not been addressed. The commenter should request a response from the lead agency if he or she wants to know the lead agency's specific response to the comment.

The comments on a Neg Dec are usually included verbatim or in summary in the packets provided to the council or board of supervisors. The decision-making body needs to know of these comments in order to be fully informed. If you have any doubts whether or not this has been done, either contact your council members or supervisors personally, or get your comments into the public record by speaking at a council or supervisor meeting.

THE EIR: NOTICE OF PREPARATION

After a lead agency determines that an EIR is required, the first step is a Notice of Preparation (NOP). The NOP is intended to elicit early comments on the potential impacts of a project so that those impacts will be addressed in the EIR. The NOP is directed primarily to state and local agencies that may be affected by the project or that serve

as trustee agencies for natural resources, but it can be provided to individuals or organizations on request.

The NOP must provide enough information for agencies to prepare a meaningful response. It usually includes a brief description of the project, its location, and a list of environmental impacts expected to be analyzed. The agencies have 30 days to respond to the NOP, and the EIR cannot be released as a public document until after the end of the NOP response period. While it may be important for CNPS to respond to NOPs, the comments should be relatively general in nature. Citing the *CNPS Botanical Survey Guidelines* (CNPS 2001) and referencing pertinent literature should be sufficient.

THE DRAFT EIR

When a Draft EIR (DEIR) has been completed, the lead agency must notify the public that the DEIR is available for review. The notice must include general information about the project; the comment period; the date, time, and location of public hearings on the project; and the location where the DEIR and all of the supplemental information referenced in the DEIR is available for review. The lead agency must also solicit comments from other agencies during this review period.

The shortest review period for an EIR is 30 days, when no state agency is involved, or by special request to the OPR. A 45-day review period is most common, while periods of up to 60 days are acceptable for more complex projects. When a state agency is involved, a 45-day review period is required. The review period should not extend beyond 90 days, according to the *CEQA Guidelines*.

It is important for commenters to be aware of the CEQA schedule. If the lead agency legally follows the *CEQA Guidelines* schedule, the argument that there was not enough time to review a document will be weakened and generally will not result in additional time for review.

PUBLIC HEARINGS ON EIRS

Although it is common practice for the lead agency to hold a hearing on the EIR, a public hearing is not mandatory, and public comments can be restricted to written comments only. Hearings held on projects in which the lead agency is a city or county are usually held before the planning commission. The lead agency will provide public notice (according to *CEQA Guidelines* § 15087) about the time and place of the public hearing.

It is important to provide the comments on an EIR in writing, although they can also be presented verbally at a hearing. Written comments are generally more complete and articulate, and have a better chance of eliciting a complete response in the final EIR (FEIR).

However, it is wise to also present your comments verbally at a public hearing, because sometimes the decision makers have not had enough time themselves to fully review all of the documents, and their decisions may be swayed by the type and amount of comments that are received at the public hearing (which may or may not reflect both sides of the story).

Be aware that the lead agency holds two hearings: one on the adequacy of the EIR, and one on the merits of the project. The fact that these hearings are sometimes held at the same meeting or are even combined can be confusing. Before a project can be approved, however, the agency must certify the EIR, so even if the two hearings are held at the same meeting, action on the EIR must be taken before a vote is taken on the project. If comments on the EIR are requested, it is to the commenter's advantage to focus those comments on factual content as it relates to the adequacy of the EIR. While it is certainly permissible to make comments on the merits of the project during the EIR hearing, they may have no relevance to the factual content of the EIR, and may not be considered later at the project hearing.

The best time to comment on the merits of the project is at the project hearing, when the city council, board of supervisors, or other group is deciding whether or not to approve the project. Since this decision is made on the project as it is described in the EIR, it is appropriate to refer to this document when commenting on the merits or problems of the proposed project. While an emotional appeal is out of place at the EIR hearing, it may be appropriate and effective at the project hearing. If you are unclear about the process when you are at a hearing, do not be afraid to ask. The purpose of the hearings, after all, is to receive public input.

THE FINAL EIR

At the end of the DEIR comment period, the lead agency must respond in writing to comments received. The responses are provided in a final EIR which indicates who commented, what the comments are, what the responses are, and any changes required in the text of the DEIR to fill omissions or correct errors of fact. Sometimes the FEIR is published as an addendum to the DEIR, and sometimes the entire DEIR and the response to comments are published together. There is no comment period on the FEIR.

When the lead agency is a local jurisdiction, the EIR (Draft and Final) is often presented to the county planning commission. The planning

San Diego mesa mint (*Pogogyne abramsii*) is restricted to vernal pool areas in northern San Diego County. It is state- and federally-listed as Endangered, and is seriously threatened by urbanization, trash dumping, and off-road vehicles on San Diego mesas. Photograph by C. Martz.

commission will forward a recommendation as to whether or not to certify the EIR to the board of supervisors or the city council. The supervisors or the council certify the EIR at another public hearing.

By certifying the EIR, the lead agency is acknowledging that it is aware of all of the reasonably foreseeable environmental impacts of a project. This contributes to the body of knowledge used in deciding whether or not to approve a project. If there are significant unavoidable impacts expected from the project—that is, impacts that cannot be mitigated to a less than significant level—a "statement of overriding considerations" must also be adopted. This statement explains the justification for allowing these impacts to occur.

Once an EIR is certified, there is a 30-day period during which the EIR can be challenged in court. This period is the statute of limitations. CEQA also provides for statutes of limitations in other situations. For instance, if an agency does not perform a CEQA review when it should have, aggrieved parties have 180 days from the date of project approval to file a legal challenge.

STRATEGIES FOR PROVIDING CEQA INPUT

Each local CNPS chapter can comment with its collective voice by appointing a representative to remain involved with the CEQA process on a regular or case-by-case basis. A recognized organization may have more influence with decision makers than private individuals.

In making comments, individuals should consider whether their input would be most effective in supporting a unified group statement, or whether it should be used to make an independent contribution as a private citizen. A variety of comments from individuals on the factual content of an EIR should not be a cause for confusion, but contradictory statements from individuals and groups on the merits of a project may work at cross purposes.

The *CEQA Guidelines* (see the sidebar on p. 35) are an important resource to use when commenting on an EIR, but it is important to remember that the *Guidelines* are, in fact, just that. The Courts, however, have often deferred to them in determining compliance with the law. They are updated by the legislature every two years in order to reflect the outcomes of case law. Court cases involving CEQA are also reported on the California Environmental Resources Evaluation System (CERES) website at *ceres.ca.gov*.

INSIGHTS FROM CEQA GUIDELINES (§ 15204) FOR COMMENTING ON A CEQA DOCUMENT

"In reviewing draft EIRs, people should focus on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways which the significant effects of the project might be avoided or mitigated. Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects." (§ 15204(a)).

"In reviewing Negative Declarations, persons and public agencies should focus on the proposed finding that the project will not have a significant effect on the environment. If persons and public agencies believe that the project would have a significant effect, they should:

1) Identify the specific effect,

2) Explain why they believe the effect would occur, and

3) Explain why they believe the effect would be significant." (§ 15204(b)).

"Reviewers should explain the basis for their comments, and whenever possible should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments." (§ 15204(c)).

"Reviewing agencies or organizations should include with their comments the name of a contact person who would be available for later consultation if necessary." (§ 15204(d)).

It is helpful to have a copy of the *CEQA Guidelines* when determining if an EIR is adequate. The *Guidelines* can be obtained from the State Department of General Services, Publication Section, P.O. Box 1015, North Highlands, CA 95660, or online at *ceres.ca.gov/ceqa*.

There are also two excellent references to CEQA: *Guide to the California Environmental Quality Act* (Remy et al. 1999, $70) and *CEQA Deskbook* (Bass et al. 1999 with 2001 update, $60). These references are updated and published annually by Solano Press Books. The *Deskbook* is described as a "handy, illustrated approach to CEQA" whereas the *Guide* is more in-depth. Both include a copy of the *CEQA Guidelines*. These references are highly recommended because they are thorough, clear, and provide an update of changes to CEQA and the outcome of case law. (Solano Press Books contact information: (800) 931-9373, *www.solano. com*, or P.O. Box 773, Point Arena, CA 95468.)

REVIEWING EIRS: THE BASICS

When reviewing an EIR, first read the project description and determine if it seems complete. If there is an obvious omission, then the physical impacts may not have been addressed in the chapter on environmental impacts. If the project description is not complete, then the EIR probably is not thorough enough to be legally adequate. The EIR must disclose all of the reasonably foreseeable impacts and provide an impartial factual assessment of whether they would be significant.

Also review the mitigation measures and determine if they require changes in the project design that would result in additional environmental impacts, and whether those impacts have been addressed. For instance, if the fire department requires a secondary access road as mitigation for impacts to public safety, have the impacts of that road been addressed?

Review the mitigation measures for obvious infeasibility or a lack of specificity. CEQA requires mitigation measures in an EIR for all potentially significant impacts. A project may gain approval because it appears that all of the potentially significant impacts can be reduced to nonsignificance via appropriate mitigation. Of course the impacts will be reduced only if the mitiga-

Many-stemmed dudleya (*Dudleya multicaulis*) is a List 1B plant from southern California. Though it is relatively widespread, it is clustered in distribution and seriously threatened by development and large transportation projects. Photograph by R. Bittman.

POINTS TO CONSIDER WHEN COMMENTING ON A CEQA DOCUMENT

- Be aware of the lead agency, its process, and the deadline dates. Do not hesitate to call the contact person at the lead agency and ask questions.
- Gain some familiarity with the *CEQA Guidelines*.
- Visit the project site. If it is inaccessible, contact the lead agency to arrange for a site visit.
- Check the project description for completeness. Does it include everything that might cause a physical impact?
- Have all of the required CEQA components been addressed? An EIR should include: Summary, Project Description, Environmental Setting, Environmental Impacts, Mitigation Measures, Alternatives, Cumulative Impacts, Growth-Inducing Impacts, and Organizations and Persons Consulted.
- Do any of the mitigation measures require a change in the project design that would cause an impact, and has the impact been addressed?
- Do the mitigation measures seem feasible and likely to be effective?
- Provide comments in writing.
- Support your comments with facts whenever possible. This helps to make the comments specific and will garner a more complete response in the final EIR. Broad statements usually receive short responses. Focus comments on the adequacy of the EIR as opposed to the merits of the project.
- Use a professional tone. Constructive criticism is important. Adopt the attitude that the lead agency needs your information and that your input will help in making the best decision.

tion is feasible, measurable, and specific.

Mitigation measures that rely on further study have been found not to be adequate in case law. Look for terms such as "consult with," "study further," "strive to," and "facilitate" in the mitigation measure and consider whether the mitigation measure will be effective when couched in this way, or if a more definitive measure is needed. Terms such as "shall" and "must" better indicate that a mitigation measure is mandatory.

Mitigation measures should include an objective and describe what the specific measure(s) is, who will implement it, where it will happen, and when. Depending on the measure, there should also be performance standards (i.e., what needs to be accomplished in order for the mitigation measure to be considered completed) and contingent measures or remediation in the event the mitigation fails.

Read the chapter on environmental impacts, particularly the disciplines of which you have knowledge. Does the EIR seem to provide enough information on which to base the conclusion of whether an impact is significant or not? Next check the reference section. Does it seem that appropriate experts were consulted? Are there any omissions in consideration of the environmental setting that would change how impacts are viewed? Has the project adequately addressed all indirect impacts, such as the impacts of providing water to the project?

Are any essential disciplines left out of the discussion altogether? An EIR usually addresses impacts to land use, public safety, noise, air quality, traffic, vegetation and wildlife, public services, visual factors, geology and soils, hydrology and water quality, and archaeological, historic, or cultural resources. If no impacts are found, the discipline may be discussed under "Impacts Found Not to be Significant" rather than in the impacts section.

The weakest parts of an EIR often are found at the end of the document in the analysis of alternatives, cumulative impacts, and growth-inducing impacts. Read these sections carefully and comment specifically on any ways in which these sections are not complete. Is there another environmentally superior alternative that should be addressed? Is there a neighboring project that is missing from the cumulative impacts analysis? Is this project causing a particular habitat to be divided into pieces that, from a regional point of view, results in significant biological impacts? Is there a discussion of the potential for growth-inducing impacts, and are those impacts adequately considered?

It is important to present comments in writing, and with a professional tone. The more facts supplied, the less likely a comment will simply be dismissed as "comment noted" in the Final EIR. Above all, don't be daunted by an EIR. An EIR is supposed to be informative and understandable. If it isn't, ask for more explanation.

HOW TO MONITOR MITIGATION

After the CEQA process is completed, how can interested in-

dividuals remain involved through project development to insure that mitigation is adequate? The answer is easily the subject of another article, but a short reply is warranted here.

In 1989 CEQA was amended to include a requirement for mitigation monitoring. A program to oversee and evaluate required mitigation activities must be adopted by the lead agency prior to project approval. The monitoring program does not have to be described in the EIR, although information should be available from the lead agency. If you know that an EIR is under preparation and you want the lead agency to incorporate the mitigation monitoring program in the EIR, make such a request to the lead agency in writing. The best follow-through is difficult, which is to monitor the mitigation monitoring program, and to call the appropriate agencies when enforcement of the approved mitigation seems necessary.

Pine Hill ceanothus (*Ceanothus roderickii*) is endemic to gabbroic soils in the Pine Hill area of El Dorado County. It is state-listed as Rare and federally-listed as Endangered, and is threatened by rapidly growing residential development and alteration of fire regimes. Photograph by J. Vale.

SUMMARY

This article provides an overview of the usual CEQA process. Be aware that more complex situations sometimes arise that can alter the way the law is implemented. Do not be daunted by the complexities, and do not be afraid to ask questions. Remember, two of the main purposes of this law are to encourage public input and to foster fully-informed land use decisions. Your comments are an essential component of the environmental review process.

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