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Date Received: November 9, 2009

Re: Comments to Proposed Amendments to CEQA Guidelines

The weak link in the CEQA process is the Initial Study and determinations other than an EIR, particularly with the inexact nature of greenhouse gases.

In the EIR process, the agency is required to respond to comments and questions regarding the prepared document.

An agency prepares the Initial Study and ND or MND, and circulates to the public and other agencies.

The agency has no responsibility to respond to any comments regarding the correctness of the Initial Study or determination.

A group or citizen then has only litigation as a remedy to perceived inaccuracies or deficiencies, dragging out the process and increasing expense for all.

In my experience, I have seen numerous Initial Studies which check "No impact" or "Less than Significant Impact", regardless of evidence to the contrary, select a Negative Dec or MND designation, and presume no one will take it to court.

If agencies were required to respond to comments to the IS, ND or MND, not only would omissions and errors be caught, but it would also require agencies to be more thorough, provide a record of that if it went to court, and reduce time and costs.

The CEQA Guidelines should be amended to require agencies to respond to comments and questions regarding the Initial Study and Neg Dec or Mitigated Neg Dec, in the same way they are required to respond to comments in the scoping process and draft EIR.