

PC CEQA Training

Bob Williams <Bob.Williams@edcgov.us>

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To: Andy Nevis <Andy.Nevis@edcgov.us>

Cc: Robert J. Peters <Robert.Peters@edcgov.us>; Ande Flower <Ande.Flower@edcgov.us>

Andy,

I have keen interest in the Commission CEQA training, but I can not attend for medical reasons. Below are a number of questions I would like to have clarified. I hope that you can articulate the following questions and comments on my behalf and forward them in advance to the appropriate staff members:

1. In situations where a Negative Declaration (ND) has been issued, what circumstances must be satisfied to trigger a new CEQA review?
2. What is the role of the Planning Commission (PC) to assure compliance with CEQA? Can the PC initiate discussions that could lead to a CEQA review or is that authority delegated to staff?
3. The Act appears to suggest CEQA reviews are triggered with the introduction of new and significant information. Can the terms new and significant be clarified? How are each quantified? What role does the PC play in determining if the new and significant threshold is attained? What are the recognized expertise (certified versus observed data) required to determine new and significant? If staff or PC fail to act, what recourse is available?
4. What are the reporting requirement that must be observed for CEQA scoping reviews and subsequent staff processes? How are public comments disclosed?
5. In ND documentation to the PC, one or more lists are provided by staff that designate the relative applicability of CEQA. What is the checklist of categories that must be addressed? For each, staff typically rate each on a scale from significant to no impact. What quantitative measurements must be applied to establish significant, less than significant with mitigation, less than significant, and no impact?
6. When recognized citizen representative organizations (such as EDH APAC) bring forward reports and support documentation requesting a CEQA review, what obligation does staff and the Planning Commission have to formally schedule a hearing? What is the minimum standard that need to be observed in disclosing for public review said documentation? Does CEQA have guidelines on handling the review from citizen groups and public disclosure of related information?
7. Does a rank order exist when considering multiple CEQA issues? For example, what is the relative weighting of aesthetics versus water versus biological finding? Are they all treated equally?
8. When two or more "experts" provide differing opinions, how does the PC weigh these "fact"? When considering an ND, does the existence of differing opinions mandate a decision for a CEQA study? Do the expert opinions have to be on the same subject areas (e.g. water versus biological findings) or can a ND be denied based on any area of expertise?
9. How is an expert defined? What professional certifications are acceptable credentials to be declared an expert? Can a civilian be deemed an expert when representing observational evidence?
10. What are the minimal requirements when "expert" or "civilian" observational data is offered as evidence? For example, when biological findings are presented, what is the minimum duration of observations is required to determine the impact on mitigatory birds of special interest? Another example is how can "observed" water impacts be measured where well water levels may vary based on fractured geological substratum?
11. Under what conditions are ND required? Under what circumstances can staff declare ND without further review?

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12. When EDC zoning ordinances are under review or influx (such as telecommunications and R&D/light industrial), what guidelines are provided by CEQA to determine the applicability of a ND approval or denial?
 13. What are the CEQA guidelines in addressing the appeals process where the findings of the Department or the Commission are challenged? What is the case law for the imposition of appeal processing fees? Can a ND appeal be denied when appellants' ability to pay represents an unreasonable burden ?

Andy, thank you for bringing these questions forward. Please note that I may have several additional questions, questions, or comments that will forward to you in advance.

Regards.

Bob Williams
Planning Commissioner, District 2