

LETTER BF

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**Board of Supervisors**  
**County of Merced**  
**2222 M Street**  
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Via Facsimile

**September 4, 2001**

**Re: CEQA Violations in circulation of University Community Plan EIR for Public Comment.**

**Dear Mr. Wellman and Supervisors,**

Merced County, as lead agency, released the Environmental Impact Report (EIR) for the University Community Plan on August 13, 2001, theoretically beginning the public comment period for same. We believe violations of CEQA have taken place in connection with this process.

CEQA § 15087 states in part:

(a) The lead agency shall provide public notice of the availability of a draft EIR at the same time it sends a notice of completion to OPR. This notice shall be given as provided under Section 15105. Notice shall be mailed to the last known name and address of all organizations and individuals who have previously requested such notice in writing, and shall also be given by at least one of the following procedures:

(1) Publication at least one time by the public agency in a newspaper of general circulation in the area affected by the proposed project. If more than one area is affected, the notice shall be published in the newspaper of largest circulation from among the newspapers of general circulation in those areas.

(2) Posting of notice by the public agency on and off the site in the area where the project is to be located.

(3) Direct mailing to the owners and occupants of property contiguous to the parcel or parcels on which the project is located. Owners of such property shall be identified as shown on the latest equalized assessment roll.

BF-1

Please indicate which procedure of those offered in 15087 (a), (b), and (c) you followed, and proof of same.

BF-1

In addition, please furnish a copy of all those to whom notice was mailed under 15087 (a); those who "...have previously requested such notice in writing..."

BF-2

We believe the violations are sufficient cause for the public comment period to begin anew, from such time as you do fully comply with Section 15087.

BF-3

We await your timely response.

Respectfully submitted,

*Lydia M. Miller*

*Steve Burke*

Lydia M. Miller

Steve Burke

Cc: Ms. Terry Roberts, State Clearinghouse  
~~Rose Zoia of Brandt-Hawley & Zoia, Attorneys~~

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**COMMENT LETTER BF: LYDIA M. MILLER, SAN JOAQUIN  
RAPTOR RESCUE CENTER AND  
STEVE BURKE, PROTECT OUR WATER**

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**Response to Comment BF-1:**

Please see Master Response 6 for a complete response regarding the public review process.

**Response to Comment BF-2:**

Appendix A contains a list of agencies, organizations, and individuals who received a notice of the availability of the DEIR.

**Response to Comment BF-3:**

As stated in Master Response 6, the County has met and exceeded the notice and hearing requirements of CEQA. Therefore, the DEIR review period was not extended beyond one week. In July 2004, the County published a Supplement to the Draft EIR. This document was circulated for a 45 day public comment period, consistent with the requirements of CEQA, as set forth in Guidelines Section 15105. Please see Master Response 6 for a more complete discussion.