
MASTER RESPONSE 6: PUBLIC REVIEW PROCESS AND NOTICING

A number of comments questioned the public review process for the Draft EIR.

The County has conducted an open, thorough, and extensive public review of the UCP and its EIR. As detailed below, the County exceeded the requirements of State law for public review of an EIR in order to ensure that the agencies and public would have ample opportunities to comment.

Prior to the publication of the DEIR, the County formed the Community Plan Advisory Committee (CPAC), which provided input into land use and policy development for the UCP. The CPAC was composed of members of the Merced County Board of Supervisors, Merced County Planning Commission, University of California, Virginia Smith Trust, Cyril Smith Trust, City of Merced, County of Merced, Merced Irrigation District, and representatives from the business, agricultural, and environmental communities throughout the Merced region.. CPAC meetings were held 16 times between February and August 2001. All meetings were open to the public, and notices and agendas were provided to any organization or individual who requested them. Public workshops on the UCP were held on March 24, 2001, June 9, 2001, and August 22, 2001.

CEQA and Public Review Process

The State CEQA Guidelines require that the EIR process be initiated by the publication of a Notice of Preparation (NOP). The NOP describes the proposed project, and presents information on the key environmental issues that the lead agency expects to consider in the EIR. The NOP is distributed to responsible agencies, trustee agencies, and other interested agencies and parties. For certain projects that meet the definition of Guidelines Section 15205, the NOP must be sent to the State Clearinghouse located in the Governor's Office of Planning and Research. The NOP is circulated for a period of 30 days, during which comments may be submitted to the lead agency pertaining to the scope of analyses to be included in the EIR.¹

When the Draft EIR is published, the lead agency is required by CEQA to provide public notice of the availability of a Draft EIR to the last known name and address of all organizations and individuals who have previously requested such notice in writing at the same time it sends a notice of completion to OPR. Such notice must also be given by at least one of the following procedures:²

[(a)](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.

1 CEQA Guidelines Section 15086(a)(5)

2 CEQA Guidelines Section 15087(a)(1) through 15087(a)(3) and 15087(b)

(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.

(b) The alternatives for providing notice specified in subsection (a) shall not preclude a public agency from providing additional notice by other means if such agency so desires, nor shall the requirements of this section preclude a public agency from providing the public notice required by this section at the same time and in the same manner as public notice otherwise required by law for the project.

CEQA Statutes section 21091(a) stipulates that the public review period for a Draft EIR shall not be less than 30 days. If the Draft EIR is submitted to the State Clearinghouse (Governor's Office of Planning and Research, or OPR) for review, the review period must be at least 45 days. Public hearings are encouraged by CEQA, but are not required by the CEQA process.³

Following the end of the DEIR public review period, the final EIR is prepared, consistency of written responses to all significant environmental issues raised in the DEIR comments. There is not a required review and comment period for the Final EIR, however the lead agency is required to provide written responses to agency comments a minimum of 10 days prior to taking action to certify the EIR. If the EIR is certified and the project is approved within five days, a Notice of Determination (NOD) must be filed with the County Clerk and/or the State Clearinghouse.

UCP EIR

The NOP for the UCP EIR was circulated for a period of 30 days beginning on February 15, 2001. A scoping meeting for the UCP EIR was held on March 9, 2001. Comments received on the NOP were taken into consideration in preparing the Draft EIR.

The Draft EIR and Notice of Availability were released on August 13, 2001, beginning the public review period. A Notice of Completion for the document was also filed with OPR on that date. Availability of the document was publicly noticed. The Notice of Availability appeared in the Merced Sun-Star on August 19th and in the Merced County Times on August 23, 2001. Because the NOA was not published in the Merced Sun-Star until six days after initiation of the public review period, the UCP EIR review period was extended seven days from the statutorily-required 45-day review period to October 4, 2001, rather than the previously-scheduled September 27, 2001. A supplemental NOA was published in the Merced Sun-Star on September 9, 2001. The document was promptly sent to those who requested it and was available online at www.ucmercedplanning.net, as well as in CD-ROM form, in addition to the standard hard-copy form.

Public hearings to receive comments on the DEIR were held on September 12, 2001, September 13, 2001, and September 19, 2001. Additional hearings and workshops have been held throughout the development of the Plan. For the above reasons, the public involvement and EIR review processes were extensive, and met and exceeded the requirements of State law.

3 CEQA Guidelines Section 15087(i)

After conducting additional technical analyses of water-related issues, and in part due to the amount of time that had passed since publication of the DEIR, in July 2004 the County published a Supplement to the Draft EIR (SDEIR). The SDEIR was circulated for public review for a period of 45 days ending September 13, 2004. A Notice of Availability was published in the Merced Sun-Star and was sent to all those who commented on the DEIR.

The County anticipates publication of this Final EIR on November 21, 2004, ten days prior to a December 1, 2004 meeting of the Planning Commission during which the Planning Commission will be asked to consider recommending that the Board of Supervisors certify the EIR. The Board of Supervisors may consider EIR certification at its meeting of December 21, 2004.