14.0 COMMENTS AND RESPONSES

14.1 INTRODUCTION AND PURPOSE

As defined by §15050 of the California Environmental Quality Act Guidelines (CEQA), the Shasta County Department of Resource Management is serving as "Lead Agency" for preparation of the Environmental Impact Report (EIR) for the proposed Tierra Robles Planned Development (Z10-002 / TM 1996) (herein referenced as the proposed project). The County's responses to comments on the Draft EIR for the proposed project represents a good-faith, reasoned effort to address the environmental issues identified by the comments. As discussed in §15088(a) of the State *CEQA Guidelines*, the Lead Agency is not required to respond to all comments on the Draft EIR, but only to those comments that *raise environmental issues*.

The Final EIR presents the environmental information and analyses that have been prepared for the proposed project, including comments received addressing the adequacy of the Draft EIR, and responses to those comments. In addition to the responses to comments, clarifications, corrections, or minor revisions have been made to the Draft EIR. This document and the Mitigation and Monitoring Program (MMP) will be used by the Planning Commission and Board of Supervisors in the decision-making process for the proposed project.

14.2 ENVIRONMENTAL REVIEW PROCESS

The EIR process begins with the decision by the Lead Agency to prepare an EIR, either during a preliminary review of a project or at the conclusion of an Initial Study. Once the decision is made to prepare an EIR, the lead agency sends a Notice of Preparation (NOP) to appropriate government agencies and, when required, to the State Clearinghouse (SCH) in the Office of Planning and Research (OPR), which will ensure that responsible State agencies reply within the required time. The SCH assigns an identification number to the project, which then becomes the identification number for all subsequent environmental documents on the project.

The process of determining the focus and content of the EIR is known as scoping. Scoping helps to identify the range of actions, alternatives, environmental effects, and mitigation measures to be analyzed in depth, and eliminates from detailed study those issues that are not pertinent to the final decision on the proposed project. The scoping process is not intended to resolve differences of opinion regarding the proposed project or evaluate its merits. Instead, the process allows all interested parties to express their concerns regarding the proposed project and thereby ensures that all opinions and comments applicable to the environmental analysis are addressed in the EIR. Scoping is an effective way to bring together and address the concerns of the public, affected agencies, and other interested parties. Members of the public, relevant federal, State, regional and local agencies, interest groups, community organizations, and other interested parties may participate in the scoping process by providing comments or recommendations regarding issues to be investigated in the EIR.

In compliance with the State *CEQA Guidelines*, the County has taken steps to maximize opportunities for interested individuals, parties, and agencies to participate in the environmental process. During the preparation of the Draft EIR, an effort was made to contact various federal, State, regional, and local government agencies and other interested parties to solicit comments and inform the public of the proposed project.

SCOPING PROCESS

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Comments received during the scoping process are part of the public record as documented in the project's *Scoping Report* (refer to Draft EIR Appendix 15.1). The comments and questions received during the public scoping process have been reviewed and considered by the County in determining the appropriate scope of issues that were addressed in the Draft EIR.

2012 Scoping

The original project concept consisted of a residential Planned Development requiring a Zone Amendment (Z10-002) to change the current zoning from Rural Residential 5–acre minimum (RR-BA-5), Rural Residential 3–acre minimum (RR-BA-3), and Unclassified (U) to a Planned Development (PD) zone district establishing a conceptual development plan covering the entire site; and a Tract Map (TR 1996) to divide the 715.4-acre property into 166 residential parcels ranging from 1.5 acres to 7.5 acres in size, and four open space parcels totaling 175.4 acres. As proposed in 2012, the project would have included a non-contiguous annexation of the 715.4-acre property into County Service Area (CSA) No. 8 for sewage treatment and disposal. The proposed annexation would have been subject to a separate application and approval from the Shasta County Local Agency Formation Commission (LAFCO).

As required by State *CEQA Guidelines* §15082, the County issued a NOP on October 26, 2012 that summarized the proposed project, stated its intention to prepare an EIR, and requested comments from interested parties. The NOP also included notice of the County's public scoping meeting that was held on November 8, 2012 at the North Cow Creek Elementary School in Palo Cedro, California. The meeting was held with the specific intent of affording interested individuals, groups, and public agencies a forum in which to orally present input directly to the Lead Agency, to assist in further refining the intended scope and focus of the EIR as described in the NOP and Initial Study. The NOP was filed with the State Clearinghouse on October 25, 2012 (SCH No. 2012102051), which initiated the 30-day public scoping period. The review period for the NOP ended on November 26, 2012.

Fifty-four (54) comment letters were submitted by private individuals during the scoping process, and approximately forty-seven (47) individuals presented oral comments during the November 8, 2012 scoping meeting. In addition to private individuals, five (5) government agencies and two (2) private organizations submitted written and/or oral comments.

2016 Scoping

The project applicant revised the original project to omit the proposed 3.4-mile sewer pipeline to CSA No. 8. The revised project application now includes the proposed formation of the Tierra Robles Community Services District (TRCSD) specific to the project to oversee and manage project facilities and amenities, including an onsite wastewater treatment facility. In addition to changes in the proposed backbone infrastructure, the applicant has also provided a revised site development concept that fully avoids impacts to onsite jurisdictional waters. The formation of the TRCSD is subject to a separate application and approval from the Shasta County Local Agency Formation Commission (LAFCO).

Based on the updated project, a revised Initial Study and NOP were circulated for a 30-day comment period between February 19, 2016 and March 25, 2016. All written comments received during the public comment period for the NOP were also reviewed during preparation of the Draft EIR. Forty-one (41) comment letters were submitted by private individuals during the NOP comment period. In addition to private individuals, four (4) government agencies and one (2) private organizations submitted written comments.

PUBLIC REVIEW OF DRAFT EIR

The purpose of the public review of the Draft EIR is to evaluate the adequacy of the environmental analysis in terms of compliance with CEQA. Section 15151 of the State *CEQA Guidelines* states the following regarding standards from which adequacy is judged:

"An EIR should be prepared with sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in light of what is reasonably feasible."

Pursuant to the State *CEQA Guidelines*, an effect is not considered significant in the absence of substantial evidence; therefore, comments should be accompanied by factual support. Section 15204(c) of the State *CEQA Guidelines* states:

"Reviewers should explain the basis for their comments, and, should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to §15064 an effect shall not be considered significant in the absence of substantial evidence."

Section 15204(a) of the State C*EQA Guidelines* provides guidance to assist members of the public and public agencies in preparing comments on a Draft EIR. Section 15204.5(a) states:

In reviewing draft EIRs, persons and public agencies should focus on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in 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. At the same time, reviews should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible, in light of factors such as the magnitude of the project at issue, the severity of its likely environmental impact, and the geographic scope of the project. CEQA does not require a Lead Agency to

conduct every test of perform all research, study, and experimentation recommended or demanded by a commenter. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.

It is important to also note that comments regarding the proposed project's ultimate appropriateness of the project for the site or comments that do not directly raise an environmental issue are referred to decision-makers, in this case the Planning Commission and Shasta County Board of Supervisors, for further consideration as part of the deliberative process. Accordingly, a response is provided noting when a particular statement, general commentary, expression, or opinion does not warrant a detailed response under CEQA.

The Draft EIR for the proposed Tierra Robles Planned Development (SCH No. 2012102051) project was circulated for review and comment by the public, agencies, and organizations. The Draft EIR was also circulated to State agencies for review through the State Clearinghouse, Office of Planning and Research. The 45-day public review period was originally noticed to begin on October 24, 2017 and end at 5:00 p.m. on December 7, 2017. The public review period was ultimately extended 22-days to December 29, 2017.

14.3 COMMENTS RECEIVED ON THE DRAFT EIR

Section 15088 of the State *CEQA Guidelines* requires that the Lead Agency evaluate comments on environmental issues received from persons and agencies that reviewed the Draft EIR and prepare written responses addressing each of the comments received. The comments and responses contained in this section and the Draft EIR together comprises the Final EIR. Any additional County recommendations or requirements during the certification will make up the final components of the Final EIR. The following is an excerpt from the State *CEQA Guidelines* §15132:

"The Final EIR shall consist of:

(a) The Draft EIR or a version of the draft.
(b) Comments and recommendations received on the Draft EIR either verbatim or in summary.
(c) A list of persons, organizations and public agencies commenting on the Draft EIR.
(d) The responses of the Lead Agency to significant environmental points raised in the review and consultation process.
(e) Any other information added by the Lead Agency."

A list of agencies, organizations, and interested persons who have commented on the content and adequacy of the Draft EIR is provided below. The County received a total of ninety (90) written responses (i.e., comment letters and email correspondence) during the 67-day circulation of the Draft EIR. A copy of each numbered comment letter and a lettered response to each comment is provided below under Section 14.4, RESPONSES TO COMMENTS.

COMMENT LETTERS AND CORRESPONDENCE

State Agencies

Letter 1 Governor's Office of Planning and Research – January 2, 2018
Letter 2 Central Valley Regional Water Quality Control Board – November 1, 2017