

TOPICAL RESPONSE NO. 1: EIS/EIR PUBLIC REVIEW OPPORTUNITIES

Several comments request that the public comment period on the joint Draft EIS/EIR, prepared by the U.S. Army Corps of Engineers (Corps) and California Department of Fish and Game (CDFG), be extended to allow additional time to review the document. Some comments request a specific extension of time from an additional 60 to 120 days. Other comments request an extension of time to complete review of the document, but do not specify a particular period of time. Still other comments ask for an extension exceeding 120 days. This response addresses all comments requesting additional public review opportunities with respect to the Draft EIS/EIR. In addition, the response provides important information concerning the efforts made by the Corps and CDFG to provide notice and community outreach for the Newhall Ranch Resource Management and Development Plan (RMDP) and Spineflower Conservation Plan (SCP), as well as the associated Draft EIS/EIR.

NEPA and CEQA Public Review Requirements

The National Environmental Policy Act (NEPA) requires that federal agencies allow not less than 45 days for comments on a draft EIS. (40 C.F.R. § 1506.10, subd. (c).) The original 60-day public comment period for the Draft EIS/EIR exceeded this requirement. (See *Kootenai Tribe of Idaho v. Veneman* (9th Cir. 2002) 313 F.3d 1094, 1118 -1119 (affirming that an EIS could not be challenged based on an allegedly inadequate opportunity to comment where the comment period substantially exceeded the statutory requirement).)

Under the California Environmental Quality Act (CEQA) Guidelines, section 15105, subd. (a), the "public review period for a draft EIR should not be less than 30 days nor longer than 60 days except in unusual circumstances." Further, "[w]hen a draft EIR is submitted to the State Clearinghouse for review by state agencies, the public review period shall not be less than 45 days, unless a shorter period, not less than 30 days, is approved by the State Clearinghouse." In addition, the California Endangered Species Act (CESA) implementing regulations for a certified regulatory program under CEQA require CDFG to provide a minimum 30-day public review period. (Cal. Code Regs., tit. 14, § 783.5, subd. (d)(2)(A); see also Pub. Resources Code, § 21080.5; Cal. Code Regs., tit. 14, § 15251, subd. (o).) The original 60-day public comment period for the Draft EIS/EIR exceeded all of these requirements.

EIS/EIR Public Review/Comment Period

As stated above, the Draft EIS/EIR was released for public review on April 27, 2009. The first "Notice of Availability and Public Hearing" for the Draft EIS/EIR stated that a 60-day public review and comment was to be provided, and would extend between April 27, 2009, and June 26, 2009. The Notice also stated that the Corps and CDFG would conduct a public hearing on June 11, 2009. The purpose of the hearing was to provide interested parties an opportunity to provide oral and written comments on the Draft EIS/EIR, and to become more familiar with the Project and the alternatives under consideration. The hearing started at 6:30 p.m. and was conducted in the community of Stevenson Ranch, which is located adjacent to the proposed Project site. The comments presented at the joint public hearing were recorded and entered into the public record.

Many of the verbal comments provided at the June 11, 2009, public hearing, and several written comments submitted prior to the June 26, 2009, close of the comment period, requested that the public comment period for the Draft EIS/EIR be extended to allow more time to review the document and

submit comments. In response to these requests, the Corps and CDFG extended the public review period by an extra 60 days to August 25, 2009. On June 22, 2009, a Notice of Extension of Public Review Period was mailed or e-mailed to public agencies, public hearing participants, authors of early comment letters and individuals or groups which requested being placed on a mailing list. The Notice of Extension of Public Review Period was placed on CDFG's website. It was posted in the same newspapers as the original Notice of Availability and in libraries where the Draft EIS/EIR was available for public review. With this 60-day extension, a total of 120 days were provided for public/agency review and comment on the Draft EIS/EIR. This public review period exceeded both CEQA and NEPA requirements and provided a meaningful opportunity for the Corps and CDFG to obtain public input.

EIS/EIR Public Participation Opportunities

By way of background, the Corps and CDFG conducted three public/agency scoping meetings to accept input regarding the issues that should be evaluated in the Draft EIS/EIR. A combined NEPA Notice of Intent and CEQA Notice of Preparation was published and circulated for each scoping meeting. The initial scoping meeting was held on February 4, 2000, and subsequent meetings were conducted on February 2, 2004, and July 27, 2005. The third scoping meeting was conducted because the applicant elected to include the proposed SCP and Candidate Conservation Agreement as components of the proposed Project.

The Draft EIS/EIR was released for public review and comment on April 27, 2009. Several notification methods were used to inform the public that the Draft EIS/EIR was available for review, including direct mailing of the Notice of Availability to persons and organizations that had previously attended a scoping meeting and/or requested written notice, and publishing notices in several local newspapers. Notices were provided in the Santa Clarita Valley Signal, the Daily News, the Los Angeles Times, and the Ventura County Star.

To ensure widespread availability of the Draft EIS/EIR, including all of the supporting appendices, the entire document was made available on the CDFG website. Copies of the Draft EIS/EIR also were available in three libraries in Los Angeles County (Valencia, Sylmar, and Castaic Libraries), one library in Ventura County (Ventura H.P. Wright Library in the city of Ventura), and at the CDFG offices in Los Alamitos, San Diego, and Sacramento, California. Copies of the Draft EIS/EIR also were available for purchase upon request.

A variety of features were incorporated into the Draft EIS/EIR to facilitate public/agency review of the document. These features included:

- An Executive Summary providing a concise description of the proposed Project, alternatives, and the review process for the document. The Executive Summary also provided a detailed table that listed the environmental impacts of the proposed Project and alternatives, and the mitigation measures proposed for each identified impact. Copies of the Executive Summary were provided with a DVD that included an electronic version of the entire Draft EIS/EIR and appendices.
- An internet link to the entire Draft EIS/EIR was prominently displayed on the CDFG website homepage. This electronic version of the Draft EIS/EIR included a linked table of contents and provided word search capabilities. The internet link for the document was provided in two Notices of Availability and each notice published in the local newspapers.

- The Draft EIS/EIR provided a table of contents for the entire document, and each environmental issue area chapter included a detailed table of contents. These features were intended to assist readers in finding specific sections and related information in the document.
- To graphically depict project-related information and to enhance the environmental impact issue area analysis, the Draft EIS/EIR included the extensive use of color maps and graphics.
- The Biological Resources section of the Draft EIS/EIR also included several additional tools to facilitate review by all interested parties, including separately tabbed chapter subsections and a "reader's guide" that described how the section was organized and how the impacts were evaluated.

Previous Planning and Environmental Review of the Newhall Ranch Specific Plan

Implementation of the proposed Project and alternatives would facilitate full or partial build-out of the Newhall Ranch Specific Plan, which was previously approved by the County of Los Angeles (County) on May 27, 2003. In addition to the public review process described above, the County conducted a separate environmental and public review process for the Newhall Ranch Specific Plan and associated environmental documents. The Newhall Ranch environmental review process was conducted over a nine-year period between 1994 and 2003. During this lengthy, open, and public review process, the Los Angeles County Regional Planning Commission held nine noticed public hearings between 1996 and 1999, and five additional noticed public hearings were conducted in 2001. The County's Board of Supervisors also held four noticed public hearings in 1998 and 1999, and two more hearings in 2003. In total, 20 noticed public hearings were conducted during the County's environmental review process, which provided extensive public review opportunities on the underlying Newhall Ranch Specific Plan and associated environmental documents.

Conclusion

The initial 60-day public review period established for the Draft EIS/EIR exceeded the minimum NEPA and CEQA requirements, as well as minimum public notice requirements in CDFG's CESA implementing regulations; however, in response to public comments, the Corps and CDFG provided a total of 120 days for all interested parties to review the document and submit comments. The total duration of the public review period substantially exceeded both NEPA and CEQA requirements. In addition, an opportunity to provide verbal comments was provided at a publicly-noticed hearing that was conducted at a time and place that facilitated attendance by all interested parties. To ensure that the review of the Draft EIS/EIR could be conducted in a timely manner, extensive efforts were made so that the entire document was readily available to the public in both electronic and paper formats. In conclusion, the Corps and CDFG have made every effort to facilitate and promote public/agency review of the Draft EIS/EIR, and the 120-day public review period was adequate to allow meaningful review of the document by all interested parties.

