

Tips for Effective EIR Commenting

This material is intended to serve as a quick reference for how to draft effective comments for an Environmental Impact Report. (EIR) The California Environmental Quality Act (“CEQA”) Pub. Resources Code, sec 21000 et. seq. provides interested citizens an opportunity to address the impacts of development projects on the environment. Public input is a critical component of the CEQA environmental review process. Member of the community have insight and familiarity with local ecological issues that consultant and planners may not.

Information provided by citizens and citizen groups who are knowledgeable about the natural resources of a proposed project area can improve the quality of the CEQA review, simplify the job of the public decision-makers, and make an important difference in the quality of protection and conservation efforts of vital natural resources. It is therefore, necessary for citizens to understand the CEQA process in order to make effective use of this citizen empowering statute.

The most important element to remember is that the burden of proof is on the Agency authoring the document, not the public. That being said, if the evidence or facts are there to support the issues and concerns you as a member of the public raise that is best. If you rely on a study or report include those documents as attachments to your comment letter. Never let your “lack of expertise” prohibit you from commenting on the environmental concerns you have.

1. Objectively evaluate the project and be VERY specific in your comments. Generalities can be dismissed with generalities.
2. Always ask a question as it elicits a response, for example “Why was the assessment of wetlands habitat conducted during the summer dry months?”. Simply making bald statements like “the project will have a negative environmental impact on water quality” can, and usually does, allow the agency to respond simply with “comment noted.”
3. Separate your concerns into clearly identifiable paragraphs or headings and keep a tight focus on each separate issue. Don't mix topics.
4. Avoid saying “I support the XXX project, but ...” – simply list concerns and issues. It would be unfortunate if your letter were mistakenly classified as a letter of support by the lead agency.
5. Consider ways to avoid or reduce the severity of impacts. Quantify your objections wherever possible:
 - a. If a potential significant impact has not been adequately identified; **or**
 - b. If no mitigation has been proposed for potentially significant impact; **or**
 - c. If the mitigation proposed does not appear to be sufficient or appropriate,

then:

- i. Identify the specific impact in question;
 - ii. Explain why you believe that the impact would occur;
 - iii. Explain why you believe the effect would be significant; and, if applicable,
 - iv. Explain why additional mitigation measure(s) or changes to proposed mitigations or to the project you would recommend.
 - v. Explain why you would recommend any changes and support your recommendations.
6. Whenever possible, present facts or expert opinions. If not, provide personal experience or your personal observations.
 7. Include suggestions for making the project better or offer specific alternatives and describe how those alternatives would meet the requirements of the proposed project's objective(s). Your goal should be to write something that causes them to respond in a future document based on the evidence you have given.
 8. Point out any inconsistencies in the document or the data. Point out outdated information or errors in logic. Focus on the sufficiency of the EIR in identifying and analyzing the possible impacts of the project on the environment.
 9. Write a comment that includes a valid name and address. Submit it before the deadline. **KEEP A COPY OF YOUR COMMENTS.**