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**From:** RJonesPE@aol.com**Date:** Tue, 4 Jan 2005 16:10:02 EST**Subject:** Revised DEIR**To:** Rando@aol.com, keoghs1@pacbell.net, paspence@charter.net, dnortondesigns@msn.com, ereilly@co.santa-cruz.ca.us, rdelapaz@co.watsonville.ca.us, jan.beautz@co.santa-cruz.ca.us, mark.stone@co.santa-cruz.ca.us, BDS020@co.santa-cruz.ca.us, tony.campos@co.santa-cruz.ca.us, tfitzmaurice@co.santa-cruz.ca.us, mardi.wormhoudt@co.santa-cruz.ca.us

Commissioners and Staff,

In the December 2004 RTC meeting I raised the issue of "revised" vs. "alternative" DEIRs for the recreational rail project. I was told by the (outgoing) Director that an alternative scenario was being considered, one that matched the scenario from the Business Plan. I was told that there was no revision of the original scenario (even though it was an impossible scenario under the Business Plan evaluation). What this means is that in reality there are two distinct evaluations, one completed for the original scenario and one to-be completed for the new scenario. You should note that CEQA applies the "rule of reason" and requires that alternatives be **feasible**. The Business Plan clearly demonstrated that the original scenario was not feasible and thus it really has no place at all in the project, but Staff apparently feels differently. This decision needs revisiting.

I am particularly disturbed by the announced policy in the Staff Report for the January meeting that the responses to the specific comments made on the original DEIR will not be offered directly to the submitters. Rather, by some undefined process, the DEIR for the new scenario will contain the responses and it is up to those who made comments to sort out their response from the new text. If you insist on carrying along a DEIR based on an impossible scenario then you have an obligation to respond specifically to the thoughtful comments on that scenario. On the other hand, if you had actually revised the old scenario (thus abandoning it) and adopted the new one, the provisions of CEQA on revisions (which you have cited would apply). "Revised" and "alternative" and not interchangeable. CEQA 15088.5 clearly does not apply to adding alternatives, it applies to changes (revisions) to the original DEIR prior to certification based on "new information" and other considerations (see: 15088.5(a)(3) and (a)(4)).

Your plan on dealing with the original comments hints of deception and is inappropriate for a public agency. In other EIR(S) with which I've been involved comments have been specifically addressed in an Appendix where common comments have been grouped for efficiency but each submitted comment is referenced and answered. Answers can be in summary form with references to sections of the revised document as support if appropriate. This allows commentators to easily identify their issues and read the responses. I recommend that you do the same in this case.

Please enter this e-mail into the administrative record of this project.

Thank you for your consideration.

Robert Jones  
Aptos