

# MASTER RESPONSES

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Review of the comments made on the Draft EIR showed that some comments were made frequently, demonstrating a common concern that was widespread among both those submitting written comments and those speaking at the public hearing. To allow presentation of a response that addresses all aspects of these related comments, a Master Response has been prepared. This Master Response is intended to allow a well-integrated response addressing all facets of a particular issue, in lieu of piece-meal responses to each individual comment, which may not have portrayed the full complexity of the issue. The use of a Master Response is in no way intended to minimize the importance of the individual comments.

## **MASTER RESPONSE A – STATEMENTS OF OPINION FOR OR AGAINST A PROJECT ALTERNATIVE**

*Comment Summary: In many cases, comments include an opinion regarding which Project alternative should be selected for implementation or eliminated from consideration.*

**Response Summary: Comments regarding selection of a Project alternative are not comments on the Draft EIR, but comments on the selection of an alternative, a process that will occur after the EIR is certified.**

A Final EIR must include a response to comments on environmental issues in the Draft EIR (CEQA Guidelines, §15088, 15132). Recommendations for or against a particular Project alternative address the merits of the project, and do not necessarily pertain to environmental issues. For this reason, no response to these kinds of comments is required. Nevertheless, these comments are valuable input to the process of selecting a preferred Alternative. These comment letters have been forwarded to the Santa Rosa Board of Public Utilities and City Council. If this Final EIR is certified as adequate, the City will consider the recommendations in these comment letters as well as the information presented in the EIR, when it makes its decision regarding selection of an Alternative or Combination of Alternatives. The Project alternatives evaluated in the EIR are the result of an extensive screening and scoping process, considering the Project Objectives and utilizing many screening criteria. This resulted in the selection, not of one preferred Project, but a number of alternatives. Each of the alternatives is evaluated at a similar level of detail. These alternatives were picked to meet the mandate for a reasonable range of alternatives that could feasibly achieve the Project Objectives. These alternatives were also specifically defined in such a way that they would allow for the evaluation of the maximum range of potential environmental impacts of any Project that the City may ultimately select. For more information, refer to the Introduction to Chapter 2 of the Draft EIR, which describes the process for selecting an Alternative or Combination of Alternatives for implementation.

## **MASTER RESPONSE B – USE OF DATA**

*Comment Summary: Commentors have suggested that the information presented in the Draft EIR was not adequate. In some cases, adequacy was questioned because the commentors recommended that new or different studies should be undertaken. In some cases, the commentors themselves were experts in their field and took a contrary position to the analysis presented in the Draft EIR, or the commentor presented information from experts which appeared to differ from conclusions reached in the Draft EIR.*

**Response Summary. The EIR has been prepared and reviewed by experts after extensive and systematic consultation with the public and agencies. Even though additional studies could be performed the analysis must be governed by what "is reasonably feasible." CEQA does not require that all disagreements among experts be reconciled in a Final EIR.**

### **Expert Review and Consultation**

The City, as Lead Agency for the EIR, has consulted with peers and experts in the field, and concludes that the analysis contained in the EIR is adequate. The City has been guided in the preparation of both the Draft EIR and in the responses to comments by the relevant sections of CEQA, the regulations implementing CEQA, and case law interpreting CEQA. In particular, the City is guided by the CEQA Guidelines Section 15151 which states:

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. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness and a good faith effort at full disclosure (Cal. Code Reg. Section 15151).

An EIR's evaluation of a project's potential impacts is subject to the "rule of reason". An EIR will not be inadequate simply because the data analyzed are not the most complete data that could be obtained. An EIR may rely on informed judgments of the City. In the case of the Draft EIR, the analysis relied upon a literature search; public consultation; consultation with agencies at both a policy and technical level; consultation with interested individuals, organizations and specialists; and the assembly of a consulting team consisting of a broad range of specialists. Each section of the Draft EIR was prepared by one or more experts in the respective field (whose names are set forth at the conclusion of each section). The analysis contained in the Draft EIR and the responses to comments integrate information available from existing studies and analysis, information derived from the additional studies conducted as a part of the preparation of the Draft EIR, and the professional views of the authors and of those who commented on the work of the authors.

## **Additional Studies**

Analysis of impacts builds upon the extensive technical studies that were performed for the Santa Rosa Subregional Reclamation System Long-Term Wastewater Project EIR and the IRWP Program EIR. The studies were updated again and additional studies added for the Seasonal Storage Project EIR. CEQA does not require the lead agency to conduct every recommended or possible test or research in evaluating a project's potential environmental impacts (CEQA Guidelines, §15204, subd. (a)). Even though additional studies could be helpful or could shed additional light on the issue, the analysis must be governed by what "is reasonably feasible". Said another way, there is no requirement that a lead agency wait for those studies that might be conducted that would provide additional information before issuing a draft EIR. The lead agency, in consultation with peers and experts in the field, has concluded that the analysis contained in the Draft EIR is adequate.

CEQA requires that a lead agency make a "good faith, reasoned analysis" in its response to comments (CEQA Guidelines, §15088 subd. (b)).

## **Disagreement among Experts**

Similarly, CEQA does not require that all disagreements among experts be reconciled in a Final EIR. The preparation and review process utilized in preparing the Draft EIR, as well as the response to comments, has involved multiple and overlapping consultation with experts in the field. Certain comments from persons or organizations claiming expertise and commentators submitting information from experts questioned some conclusions reached in the Draft EIR. CEQA does not require that the disagreements be reconciled. In fact, CEQA recognizes that experts can disagree. The Lead Agency, as well as decision-makers, is permitted to form its own conclusions about which information from potentially disagreeing experts is to be relied upon. CEQA requires that the main points of disagreement be summarized. In certifying the Final EIR the City will be required to weigh the accuracy and sufficiency of the information in the Draft EIR and decide whether to accept it or not. Decision-makers may defer to the judgment presented in the Draft EIR, even though other experts disagree (or may reach different conclusions). The responses to comments are designed to provide adequate response, highlight the reasons the Draft EIR concluded as it did about any potential environmental consequences, and point to the analysis supporting the conclusions. In addition, the responses to comments have been prepared in such a way as to summarize and highlight points of disagreement. Thus the public and decision makers will have before them in the Final EIR, a reference to the relevant portions of the Draft EIR, the reasons for those conclusions, references to the data supporting those conclusions, the comments of those who disagree with the conclusions, and responses to those comments that highlight how they may differ from or be reconciled with the Draft EIR. In this way, the decision-makers and the public are presented with a full discussion of the potential environmental impacts of the Project.