

Tips for Commenting on EIR

Review & Effectively Comment

Start with Executive Summary (chapters and appendices of interest)

Consider

- Is scope adequate
- Is discussion of existing conditions complete
- Does analysis support the conclusions
- Are determinations of significance clear
- Are mitigation measures well defined, feasible and fully enforceable
- Is environmental analysis contained in EIR technically adequate

Comments:

- ✓ Provide Substantive Comments
- ✓ Provide Supporting Evidence
- ✓ Objectivity not personal views

SUBSTANTIVE COMMENTS must be addressed in Final EIR

Include exact page & paragraph. Avoid *Comment Noted* staff response by pointing out:

- Errors
- Inconsistencies
- Faulty methodology
- Omissions of data or analyses
- Conclusions not based on evidence
- Failure to provide discussion as required by CEQA

Support Comment by providing evidence/information not considered in Draft EIR

Words to Avoid

- **Emotional/Accusatory:**
Angry, disappointed, outraged, illegal (without a citation), complaints, accusations
- **General Opinions:** “I don’t like...” Instead explain why the project is problematic based on factual evidence.
- **Vague:** Unacceptable, unfair, environmentally unfriendly

Words to Use

- **Identify Flaws in Analysis, Data, or Mitigations:**
Deficient, inaccurate, incomplete, inadequate, unclear, insufficient
- **Stating Position When Discussing Impacts, Alternatives, or Mitigation Measures:** Significant, potential, adverse, beneficial, or preferred
- **For Providing Solutions:**
Required, recommended, adequate

Example of Format for Structuring Comments

Describe: Describe specific element commenting on. Word to use: *EIR section on traffic fails to describe...analysis states that...data from Table X appears outdated*

Evaluate: Evaluate how EIR's content meets or fails to meet criteria established by environmental law. Words to use: *...constitutes an inadequate assessment...conclusion is insufficient because...determination that this is not significant is not supported by...*

Suggest: Suggest concrete action for improvement, such as new data, further analysis, or different mitigation measure. Words to use: *...suggest that additional analysis is needed... recommend an alternative mitigation of... propose inclusion of recent data...*

Questions in Comments on Environmental Impact Report (EIR)

Questions are a critical part of writing effective comments on an EIR because they compel the lead agency to provide clear and substantive responses, strengthening the final document. Vague or opinion-based comments can be easily dismissed, while specific questions about flaws, omissions, or inconsistencies in the analysis must be addressed.

Key areas for questioning in an EIR & Examples

Project description

- Is the project description complete? Includes all related activities that could have environmental impacts
- Does the EIR consider both short-term and long-term impacts? "Does the analysis of noise impacts account for both the temporary effects of construction and the permanent effects of the completed project's operations?"

Baseline and thresholds of significance

- Is the description of existing conditions accurate?
- Are the significance thresholds appropriate? "The EIR relies on a traffic threshold from 2005. Are more current standards from the California Department of Transportation (Caltrans) or local policies being used?"

Impacts and analysis

- Is the analysis technically sound? "What is the basis for the traffic study's assumption that the project will only generate 50 new car trips per day, given that it includes 200 residential units?"
- Does the analysis rely on outdated data? "The air quality analysis uses data from 2018. The document should be updated with more recent data to reflect current baseline conditions."
- Were all relevant environmental topics addressed? "The project is located near a sensitive wetland. Why was a full biological resources analysis not included in the draft EIR?"
- Does the EIR analyze cumulative impacts? "How do the project's traffic impacts combine with those from other proposed developments in the area, and were these cumulative effects addressed?"

Mitigation measures and alternatives

- Are the mitigation measures feasible and enforceable? "The EIR proposes planting new trees to mitigate removal of mature ones. Is there an enforceable plan to ensure the new trees survive and thrive, and is funding secured?"
- Do the alternatives adequately address the project's significant impacts? "One of the most significant impacts is on water supply. The EIR only considers a single alternative. Why were other, less water-intensive alternatives not explored in meaningful detail?"
- Are proposed mitigations legally insufficient? "The EIR states that the project will pay a fee for traffic mitigation. However, case law (citing *Napa Citizens v. Napa County Board of Supervisors*) holds that impact fee payments are not adequate mitigation without evidence that the improvements are feasible. Please provide evidence that these improvements are feasible."

How to format your questions

- **Be specific:** For each question, cite the page number and section of the EIR it relates to.
- **Group questions:** Organize comments by topic using headings like "Traffic Impacts" or "Mitigation Measures".
- **Use professional tone:** Keep language objective and respectful. Goal is to identify and correct technical or legal deficiencies, not to simply voice opposition.
- **Include evidence:** Back up questions with facts, references, or observations. For instance, reference a specific study, a local plan, or the location of a known issue that the EIR overlooked.
- **Request a written response:** To ensure questions are officially considered, include a request for a written response in the Final EIR.

Contents adapted/copied from websites