**How to Write a Comment Letter for a Draft Environmental Impact Report (DEIR)
(With a Special Focus on General Plans and Climate Change)**

Once the Draft Environmental Impact Report for a project or plan is released, you will need to draft a written response. The opportunity to respond to the DEIR is a critical point in your advocacy work. DEIR’s can be complex documents with quite a bit of legal and scientific jargon. Unless you are one of the world’s few people who has deep knowledge about every topic covered in a DEIR, we recommend that you work with others in drafting your response. Seek out expert advice from professionals who will donate the DEIR time. Keep in mind that the authors, or “lead”, of the DEIR are legally obligated to respond to any question you raise in your DEIR response letter. Make sure you submit your comment letter by the publically noticed deadline.

**Tone of a Comment Letter**

A comment letter should be written in a formal tone. Environmental impact reports are legal documents and responses to these a DEIR or should match the style of the DEIR as best as possible. This does not mean that one needs to have legal expertise to write a comment letter. No one should be discouraged from responding to a DEIR. All input is valuable. That input will be most effective if it sounds professional and informed.

**Content and Structure of a Comment Letter**

There is no single, set way to structure a comment letter. The nature of the project in question and the contents of the DEIR will help decide what should be included in the response. That being said, the following outline should provide some guidance as to how to draft an effective comment letter.

**Introduction**

Introduce yourself. Explain why your connection to the project in question and why you are a credible to weigh in on the DEIR. If you are writing on behalf of an organization that you are a part of, this is an excellent place to explain what that organization does and how they are involved in the project being reviewed. Individual community members also bring a very valuable perspective to this discussion. Whether writing as an individual or as group of organized residents, having a personal connection to a project is certainly enough to lend you credibility. Use the first paragraph of your letter to explain exactly why you have something to contribute to this discussion.

 **Summary of Comments and Concerns**

Follow your introduction with a summary of comments and concerns. If you had legal or any other kind of professional kind of help this is an excellent spot to make reference to that contribution.

Each paragraph in this section should be like a little summary of the DEIR’s shortcomings.

 Early on, you should dedicate space to responding to the DEIR’s **Project Description.** You will go into greater detail about the Project Description later on, so this only needs to be a brief summary of your thoughts on the Project Description’s shortcomings. A DEIR really hinges on its Project Description. If the Project Description is weak, then the *entire* DEIR is flawed and really ought to be reconsidered. The Project Description typically looks at four things. They are:

* an overall description of the proposed project
* alternatives to the proposed project
* growth inducing impacts that will likely result from the project
* viable mitigation measures for those impacts

**\*Effective Language to Try Out\***

“This letter was drafted with input from…”

“…there are many glaring omissions/unfinished analysis…”

“In fact, **the DEIR is so woefully inadequate**, that the City must revisit the planning process…”

“The DEIR relies on **vague and unlikely mitigation measures** for significant impacts…”

**Background of Proposed Project**

This section of your letter allows you to provide the appropriate setting for the project in question. No project ever occurs in a vacuum and it is important for project developers, the city and the community to consider the context in which the project will take place. Of course, when the project in question is something as broad and significant at a city’s general plan, summarizing the entire background of the general plan would be pretty challenging and lengthy! Instead, think of this section of your letter as the place to explain the **relevant** background information for the general plan in order of **priority**.

**Body of the Letter**

Now that you have introduced yourself and your reasons for responding to the DEIR, summarized your concerns about the project, and set up the context for the project as you see it, your letter can begin to move into greater detail.

Authors of the DEIR are legally obligated to respond to any and all questions that they receive in response to the DEIR project proposal. This is your opportunity to ask for an explanation of anything that you have questions or concerns about. Once accepted, a city general plan becomes the primary document that all subsequent projects must defer to. If there are unclear, unanswered issues in the general plan, these things will only get vaguer when applied to later development.

The general plan must also be consistent with any policies, laws and plans above it. Because the topic of climate change is still relatively new, there have not been many climate related requirements that California city general plans have had to comply with thus far. This is changing however. With the passage of AB32, SB375 and the settlements between the State Attorney General’s Office and the City of Stockton, and the County of San Bernardino the legal precedent is beginning to be set. Refer to these, and any other supporting legal sources as you write the body of your letter. This will strengthen the tone and content of your letter and increase its likelihood of impact.

Other things to keep in mind and use throughout your letter include:

* Remind the city that **the plan must use the strongest language possible**. Point out specific instances in the DEIR where the language is too week. Whatever appears in the DEIR will be watered down in the final version. Policies must start (and remain!) as strong and clear as possible to ensure that they are unequivocally followed later once the plan is in place.
* **Use examples** of other cities who have done a good job (and a better job than the proposed plan can be expected to do) of mitigating a particular impact. If it has been done elsewhere, a city cannot claim that it is beyond the DEIR ability to do the same.
* **Refer to CEQA** whenever it is helpful. General plans are below CEQA on the legal totem pole and must therefore be compliant with CEQA. Make use of the CEQA website. There is a wealth of information on the CEQA website that can help you make your argument and sound like a lawyer while you do it! <http://ceres.ca.gov/ceqa/>
* **Include outside documents** that support your position. Simply attach them to the back of your letter, and refer to the attachment in your writing. This can add weight and clout to your argument without adding a whole lot of work.
* Always take the opportunity to **point out any contradictions in the DEIR**. This revels shoddy and/or biased reporting on the part of the DEIR authors and it strengthens the case for your concern.
* **Draw comparisons between the DEIR and the land use alternatives** whenever it will serve your purpose.
* **Think of the big picture impacts.** This is easiest to do when you know the history and current conditions in the community in which you are working. As resident activists, this is one of your greatest strengths!
* **Reference page numbers and quotes** when you are citing the original DEIR or any supporting documents**.** It will be harder for the authors of the DEIR to dispute your argument if you use the DEIR’s own words to make your case.
* **Ask explicit questions.** Remember that all questions that you pose must be answered so be specific and ask a lot.

The following are a list of topics that should be addressed (when applicable) in your comment letter. It is effective to break the body into sections with these topics listed as headings.

1. **Project Description**

You summarized your concerns with the DEIR in your introduction, but this is where you have the opportunity to go into more detail about the omissions in the Project Description. Because the Project Description plays such an important role in the DEIR , and later in the project, it is crucial that advocates read this section of the closely. You can be certain that if an issue does not appear in the DEIR, it will not be taken into account in the project, so raise your concern while you have the chance.

1. **Climate Change**

Though climate change should be a theme that is introduced early and runs throughout your response, it is also effective to have a section in the body of your letter dedicated exclusively to climate change. Remind the city or the other recipients of your letter that a legal precedent has been set in the settlement case between the State Attorney General’s Office and the City of Stockton; **if a city fails to consider climate change in the DEIR general plan, they will be held accountable.** Firmly remind them that it is in the city’s best interest to address this topic now, rather than being forcefully required to later.

Climate change is a new and therefore understandably confusing topic for many cities. Keeping this in mind, this can be an appropriate point in your letter at which to refer to examples of what other cities are currently doing. This will remind cities that *it* *is* *possible* to use the DEIR general plans to proactively address climate impacts. **Encourage them to think outside the box; in some cities, building less will reduce the amount of and greenhouse gas emissions generated but in other cities sometimes building more can actually reduce the amount of driving residents need to do!**

1. **Loss of Prime Farmland and/or Open Space** (when applicable)

Open space is extremely important in combating climate change, as it acts as a carbon sink that absorbs greenhouse gases. Access to local food also helps mitigate global warming as it reduces the distance food must travel to get to consumers. Ideally, open space should be preserved by accommodating growth within already developed areas. Use your comment letter to point out infill development opportunities. If one of the land use alternatives is better about protecting open space and promoting infill development, draw a point of comparison.

If the development of open space must take place, then you should encourage your city to undertake the “appropriate mitigation measures” to address the loss of this land. Draw the city’s attention to the fact that open space and agricultural mitigation policies are becoming more popular throughout the State of California. Use an example of a city that is effectively addressing this problem. The City of Davis, for instance, has a policy that developers must protect two acres of farmland for ever acre lost to urban development. This is an example of a situation where language choice makes a big difference. If Davis’s policy stated that developers “should” protect farmland rather than “must” the effect would be much weaker.

1. **Transportation and Traffic**

CEQA requires that an informed estimation of the number of trips generated by any project be included in the DEIR. Changes to the master plan of a city will inevitable have an impact of the city’s traffic patterns. Sometimes trip generation will be manipulated (though not necessarily with malicious intent) to serve a certain purpose. For instance, a developer might want to downplay the traffic impacts of a proposed development and so choose the lowest trip generation estimate available. If a city feels pressure from an existing neighborhood to keep densities below a certain level, they may inflate the anticipated traffic increase associated with the greater density. **If the number of trips sounds too high or too low, find out what information is missing and then tear it apart.** There are many ways to plan so that traffic patterns help fight climate change, rather than aggravate it. Use expert sources or the land use alternatives to show that traffic concerns can be addressed. Just a few of the many traffic calming options that you should be thinking about when responding to the DEIR are listed below.

* Building around transit.
* Improving transit.
* Installing bike lanes and pedestrian options so that people can choose to leave the DEIR cars at home.
* Implementing traffic calming designs.
* Creating better, more efficient parking.
1. **Hydrology and Water Quality**

It is important that your city look at the long term history of flood patterns in your community when drafting its general plan. FEMA and other government and environmental agencies may have documents that show that flooding has and may again occur in certain areas that the plan has designated as appropriate for development. If development is proposed in a floodplain, ask that the authors of the DEIR provide or improve the DEIR intended flood mitigation measures.

California is already beginning to see the impacts of climate change on precipitation levels and water. The DEIR should outline how the general plan intends to prepare for increasing frequency of water shortages. Higher density, compact development typically uses less water than single family, low density development. Water recycling systems can be legally complicated and infrastructure intense, but there are cities (mostly in New Mexico and Arizona) that have managed to successfully use these important tools. There is no reason that your city cannot and should not be exploring the most progressive water saving options available.

1. **Alternatives**

According to CEQA’s guidelines (15126.2(d)) every DEIR has to provide an alternative to the project proposal, so that concerned parties and decision makers can draw an informed comparison. This section of your letter is most effective if the alternative to which the primary project proposal is being compared offers better options and solutions! In order to get a really sound, climate friendly project to be considered as the alternative means that the legwork has to begin much earlier than the writing of your DEIR letter. This can be done by communicating with the city and any other parties that are involved in the general plan update in the months before the initial version of the general plan are presented. Again, if you have access to any professional, specialized sources of information, this is a very good time to ask them to make comments that could influence the selection of general plan alternatives. The better the alternatives, the more dramatic and effective your comparisons can be. Maybe you want city staff to study a version of the plan that allows for more housing near transit than the preferred alternative calls for; to get the city to study this, you’ll need to be lobbying decision makers and preparing information to back up your perspective months in advance of when the EIR process starts.

Use this section of your letter to remind the project’s designers that the DEIR must be compared in **every way** to the alternatives. When developers, or in this case the city, wants to push through a project as it is, they will often fail to draw comparisons between all components of the different alternatives. Rather they will cherry pick, ignoring differences between the alternatives in order to make the best possible case for the DEIR preferred proposal. These conveniently overlooked omissions can sometimes include glaring and serious matters like flood control. This is your opportunity to point out where the alternatives do a better job of responding to the issues described in the preceding paragraphs. Use it!

 **\*Effective Language to Try Out\***

“However, the DEIR fails to describe and compare…”

**Conclusion**

The conclusion to your letter can be brief. Restate the basic nature of your response. If you think that the DEIR is inadequate or premature, say so. Conclude by saying that you would appreciate being kept informed of all future meetings and reports related to the DEIR. Thank the authors for the opportunity to comment on the DEIR and sign it in a formal manner. Be sure to provide your contact information if you haven’t already.