

From: Roger Butow rogerbutow@me.com 
Subject: Are you still at this email address?
Date: September 17, 2014 at 3:53 PM
To: scott.morgan@opr.ca.gov

Scott Morgan
State Clearinghouse Director

Scott:

Thanks again for the expedited response 1 year ago.

I initiated contact with you, then had one of my constituents from an NGO I co-founded (Voices of Monarch Beach) follow up with you back then regarding this Dana Point MND project.....now it's finally returned as a DEIR, replete with an NOA that uses the original SCH# from 2009.

I went to CEQAnet on Monday & couldn't find the NOA or other updated (9/15/2014) info listed...so should I assume that the City of Dana Point is **NOT** taking OPR advise regarding life span of a notice? :) :+)

Translated, it's not quite the same project: They have completely changed the grading & excavation strategies + a few other mitigations----- but as before "**de minimis**" regarding public resource/trustee agency notifications list, etc. as we feared.

I assume by your response below that they are within their legal right to use the same SCH #?

I just want confirmation that State policy hasn't changed in that regard this past year—Myself & the local NGOs will take them to task at the local hearings and just wanted to give you a respectful warning "**heads up**" in case your offices receive inquiries as a result of confronting the City.

To us, recycling the 2009 SCH# after 5 years, not re-notifying/broadcasting this DEIR (also posting at the OPR CEQAnet site) fails transparency, the spirit of CEQA and the public's right to be kept informed.

Scott Morgan
<Scott.Morgan@OPR.CA.G
OV>
To: Roxanne Willinger <Roxannewillinger@cox.net>
Re: Correction/erratum: 3 years & 8 months since NOP
Filed
Date: October 22, 2013 5:22 PM

Sorry for the delay in getting back to you.
I located the NOP for the project in question.

It was originally filed under the same SCH Number as the MND from 2009 (SCH#2009041129) I have attached the NOP (along with our cover letters to state agencies) that was filed with the OPR in February of 2010.

There is no statutory timeline on how long an NOP is good for.

We advise that lead agencies "redo" the NOP distribution if it has been several years because many times circumstances have changed at the project location, or with the project itself, that warrant getting new feedback prior to developing the EIR.

Ultimately, it is at the discretion of the Lead Agency to send out a new NOP.

Scott Morgan
State Clearinghouse Director
Deputy Director, Administration

Governor's Office of Planning and Research
nh (916)445-0613 fax (916)373-3018

From the desk of:

Roger E. Bütow

Founder & Executive Director

Landline Office Phone: (949) 715.1912 (No texting)

Mailing Address: PO Box 4711 Laguna Beach CA 92652

Email: roger@clean-water-now.org or rogerbutow@me.com

Web: www.clean-water-now.org

CLEAN WATER NOW (est. 1998) is an innovative, science-based organization committed to solution-oriented collaboration as a means of developing safe, sustainable water supplies and preserving healthy ecosystems.