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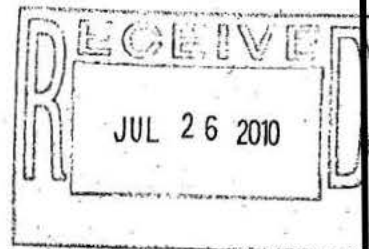
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July 21, 2010

**BY FACSIMILE AND U.S. MAIL**

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LA County Department of Regional Planning  
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320 West Temple Street  
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Public Information Officer  
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Los Angeles County Department of Regional Planning  
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**Re: Public Records Act Follow Up Request and Request for  
Extension of CEQA Comment Deadline on the AV Solar  
Ranch One Project Draft Environmental Impact Report**

Dear Mr. Bruckner, Public Information Officer, and Mr. Szalay:

We write to request immediate access to public records responsive to our June 7, 2010 request, which the Los Angeles County Department of Regional Planning ("DRP") failed to make available, as required by the Public Records Act. In addition, we request an extension of the public comment deadline for the AV

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Solar Ranch One Project Draft Environmental Impact Report ("DEIR") due to DRP's failure to make all documents referenced in the DEIR available for the duration of the public comment period, as required by the California Environmental Quality Act ("CEQA").

The Public Records Act was enacted "for the explicit purpose of increasing freedom of information by giving the public access to information *in possession of public agencies*."<sup>1</sup> "Public records" are broadly defined by the Act to include "any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics."<sup>2</sup>

On June 7, 2010, we requested a copy of all public records pertaining to the AV Solar Ranch One Project ("Project") that have been received or created by DRP since the date of our prior request. (See Attachment A - PRA Request.) You responded that both the draft environmental impact report and the technical appendices will be posted on the Department's case and hearing website, and that prior to the June 30, 2010 public hearing date, the remaining hearing materials will also be posted. (See Attachment B - Email.) On June 15, 2010, we wrote to clarify that our June 7, 2010 Public Records Act request was for a copy of all public records pertaining to the Project that have been received or created by DRP since July 2009. (See Attachment C - PRA Request.) On June 16, 2010, you indicated that all DEIR Project files would be made available for duplication. (Attachment D - Emails.) On June 17, 2010, we received mailed Notice of Completion and Availability of Draft Environmental Impact Report for the AV Solar Ranch One Project. (Attachment E - Notice.)

The Project documents were produced for duplication on June 23, 2010. (See Attachment F - Email.) However, the documents that were made available did not include all public records in the possession of DRP regarding the Project. Namely,

<sup>1</sup> *CBS, Inc. v. Block* (1986) 42 Cal.3d 646, 651 (emphasis added).

<sup>2</sup> *Los Angeles Unified School Dist. v. Superior Court* (2007) 151 Cal.App.4th 759, 765 citing *Times Mirror Co. v. Superior Court* (1991) 53 Ca.3d 1325, 1338.



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DRP failed to produce the following documents, which are explicitly referenced in the Project DEIR:<sup>3</sup>

1. Michael Brandman Associates (MBA), 2007. Phase I Environmental Site Assessment, Larsen Ranch, Los Angeles County, California. June 28;
2. Staal, Gardner & Dunne, Inc. (SGD), 1990. Preliminary Site Assessment California Springs, Los Angeles County, California. Prepared Impact Sciences, Inc. March;
3. URS. 2010. Pre-Demolition Survey Report Former Larsen Ranch Building, AV Solar Ranch One Project. February;
4. URS. 2008a. Phase I Site Assessment AV, Solar Ranch 1 Foroughi Property. December 10;
5. URS. 2008b. Phase I Site Assessment, Larsen Ranch Site. July 18;
6. Psomas. 2009. Design Concept Report. AV Solar Ranch One Project Antelope Valley, California. December;
7. Galloway, D.L., S.P. Phillips, and M.E. Ikehara, 1998. *Land Subsidence and its Relation to Past and Future Water Supplies in Antelope Valley, California*. In Current Research and Case Studies of Land Subsidence: Proceedings of the Dr. Joseph F. Poland Symposium. Association of Engineering Geologists Special Publication No. 8, Published by Star Publishing Company, Belmont, California 94002-0068;
8. Ogden, L.K.E. 1996. Collision course: the hazards of lighted structures and windows to migrating birds. Toronto, Canada: World Wildlife Fund Canada and Fatal Light Awareness Program. Rich and Longore (eds). 2006 Ecological Consequences of Artificial Night Lighting,

<sup>3</sup> Department of Regional Planning Impact Analysis Section, County of Los Angeles, Draft Environmental Impact Report AV Solar Ranch One Project, June 2010, pp. 5.15-23, 5.2-13, 5.3-21, 5.14-22.

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(Island Press, 1718 Connecticut Avenue, N.W., Suite 200, Washington, D.C. 20009-1148. USA; 2006); and

9. Los Angeles County Department of Public Works (LACDPW). 2010. Letter from Dennis Hunter to Sorin Alexanian dated June 10, 2010 and attached Technical Memorandum (Water Requirements and Groundwater Supply AV Solar Ranch One) dated June 1, 2010 prepared by Joseph C. Scalmanini.

These documents were clearly in the possession of DRP as they were used to draft, and are referenced, in the DEIR. Consistent with the Public Records Act, these documents should have been produced along with the remaining Project files on June 23, 2010.

In addition to DRP's obligations under the Public Records Act, CEQA requires lead agencies to make all materials referenced in draft environmental impact reports readily available for public review for the duration of the public comment period.<sup>4</sup> The lead agency's notice to the public shall also specify the location where all such documents shall be made available for review, and this location shall be readily accessible to the public during the lead agency's normal working hours.<sup>5</sup> DRP failed to comply with CEQA's explicit mandate of public disclosure. DRP's June 17, 2010 notice fails to provide the location for review of documents referenced in the DEIR. Additionally, although the DEIR was open for public comment as of June 17, 2010, DRP did not make these documents available to CURE on June 23, 2010 – the day on which DRP provided CURE access to Project documents. DRP's failure to notify CURE of the location of the documents referenced in the Project DEIR, and its failure to produce these documents for duplication, cannot be squared with CEQA's requirement that all documents referenced in the DEIR shall be made readily available to the public for the duration of the public comment period.

In sum, CURE's access to all public records regarding the Project has been considerably impeded due to DRP's inability to comply with the Public Records Act at a great expense to CURE. DRP's failure to make all documents referenced in the DEIR readily available to CURE also frustrates CURE's ability to review all

<sup>4</sup> Pub. Resources Code § 21092(b)(1); *see also* tit. 14, Cal. Code Regs. § 15087(c)(5).

<sup>5</sup> *Id.*

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relevant information and to provide timely comments on the Project DEIR. As such, we request immediate access to the above referenced documents and a 45 day extension of the public comment period from the date you provide the requested materials to CURE.

Sincerely,

Elizabeth Klebaner

EK:cnh  
Attachment (A-F)

cc: Christina Tran (Via email)  
[ctran@planning.lacounty.gov](mailto:ctran@planning.lacounty.gov))

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