



VIA EMAIL & CERTIFIED MAIL
RETURN RECEIPT REQUESTED

March 30, 2009

David Kiene, Office of the General Counsel
California Department of Fish and Game
1416 Ninth Street, 12th Floor
Sacramento, CA 95814
DKiene@dfg.ca.gov

RE: Records Request for Proposed Changes to Bear Hunting Regulations

Dear Mr. Kiene:

As you know, we contacted the California Department of Fish & Game (“Department”) on March 10, 2009 to request access to various documents referenced in the Department’s negative declaration regarding proposed changes to the bear hunting regulations. We received your March 27, 2009 partial response to our request, in which you stated that the Department has finished gathering the requested records, that there are 929 pages of responsive documents, and that we would need to remit payment of \$139.95. Upon receipt of payment, you stated that the Department “will copy the documents as soon as it can, given staffing constraints, and send them to you.”

The Department must provide us with access to these documents immediately, without cost, and far enough in advance of the Commission’s meeting so that we have a meaningful opportunity to review and comment on the referenced documents. The California Environmental Quality Act Guidelines are quite clear on this matter. Specifically, the CEQA Guidelines state:

Where part of another document is incorporated by reference, such other document shall be made available to the public for inspection at a public place or public building. The EIR or negative declaration shall state where the incorporated documents will be available for inspection. **At a minimum, the incorporated document shall be made available to the public in an office of the lead agency in the county where the project would be carried out or in one or more public buildings such as county offices or public libraries if the lead agency does not have an office in the county.**

CEQA Guidelines, §15150(b) (emphasis added).

The Department's failure to follow the law has substantially impaired our ability to meaningfully review and comment on the Department's environmental document. Your letter suggests that it will be several days if not weeks before we receive copies of the requested documents, leaving us with very little if any time to review and incorporate them into our comments on this issue.

After conferring with counsel that we have retained on this matter, we request that the Department make these records available pursuant to CEQA Guidelines §15150 at a public location in San Luis Obispo County, as well as at a public location in Santa Barbara County, as the proposal affects both areas. We also request an additional 30-day comment period running from the time your Department actually makes the documents available for public review consistent with CEQA Guidelines §15150 and notifies us of their availability.

I understand from your letter that you will be out of the office until Wednesday. Please contact me upon your return to let me know how and when the Department will comply with CEQA Guidelines §15150. Thank you for your assistance.

Sincerely,

Jeff Kuyper
Executive Director

Cc: Doug Updike, California Department of Fish & Game
Counsel