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August 10, 2009

**VIA EMAIL**

**[info@maderageneralplan.com]**

Dave Randall, Director  
Planning Department  
City of Madera  
205 West Fourth Street  
Madera, CA 93637

Re: Friends of Madera/City of Madera  
City of Madera General Plan Update  
Draft Environmental Impact Report (DEIR)  
SCH # 2007121153  
Notice of Procedural Defect in Administrative Review Procedure  
[Pursuant to Public Resources Code section 21177]

Dear Mr. Randall:

As you have previously been informed, this office has been retained by Friends of Madera, a non-profit public interest unincorporated association, to provide written comments on the above-referenced Draft Environmental Impact Report (DEIR) prepared in conjunction with the proposed adoption of the City of Madera General Plan Update (GPU).

Since the submittal of their letter of June 29, 2009, setting forth the comments and objections to the DEIR, my client recently learned that the City intends to include a Draft Parks and Recreation Master Plan as a part of the Parks and Recreation Element in the GPU without amending and/or re-circulating the GPU and DEIR. In order to provide reasonable notice and an opportunity to correct a significant procedural defect in the administrative review of the GPU and the DEIR, my client has directed me to communicate the following objection.

Specifically, pursuant to PRC section 21166 and the CEQA Guidelines [Cal. Code Regs., Title 14, section 15000 et seq.], sections 15162 and 15201, my client submits that the proposed addition of the Draft Parks and Recreation Master Plan to the GPU constitutes a substantial change in the GPU. Therefore, before the final approval of the GPU and its DEIR, the City should amend the GPU to include the Draft Parks and Recreation Master Plan and should revise

and amend the DEIR to include the environmental analysis mandated by CEQA of the Draft Parks and Recreation Master Plan. In addition, the City should re-circulate these documents to the public trustee and responsible agencies and should give notice to the public of the availability of the revised and amended GPU and DEIR and provide the statutory time period within which to submit written comments and/or objections, concerning both the GPU and the revised DEIR.

In the alternative, the City could elect to approve and adopt the GPU and certify the DEIR, without including the Draft Parks and Recreation Master Plan, and, thereafter, amend the newly adopted GPU by including the Draft Parks and Recreation Plan and perform the proper environmental review of that action under CEQA.

Please provide written confirmation of the receipt of this letter, along with written assurances that the City of Madera will not approve and adopt the Draft Parks and Recreation Master Plan as a part of the GPU without revising and amending that document and revising and amending the DEIR and re-circulating it to the appropriate public trustee and responsible agencies and re-circulating the GPU and its DEIR prior to certification of the Final EIR..

Thank you for your prompt attention to this matter.

Very truly yours,

RICHARD L. HARRIMAN

cc: Clients