



26 February 2008

In the interest of Full Disclosure: Merced Sun-Star (website only)

Billed as "Breaking News," the Merced Sun-Star rushed the following story (see below) for placement on its website this morning, without benefit of comment from Riverside Motorsports Park or Merced County. The story under-reports the ruling of the Court and over-plays the requirements that Riverside Motorsports Park must complete before the project can be re-approved.

The Court issued a 13-page written decision on 11 EIR-related issues raised by the Merced County Farm Bureau (et al) in its complaint and lawsuit. Of the 11 deficiencies cited in the lawsuit, the Court found in favor of Merced County and Riverside Motorsports Park in all 10 of the critical and sensitive environmental issues that included noise, water quality, traffic, air quality and project alternatives. However, the Court did cite a single deficiency within the 10,000-page EIR, in that the project's Master Plan did not include a copy of the project's Development Agreement and Community Benefits Agreement for public review. These 2 documents, drafted and reviewed by both the County and RMP, were withheld from the Master Plan by Merced County who considered them appropriate for the second phase of the entitlement process. The Court felt that they should have been included in the Final EIR.

As such, Merced County and Riverside Motorsports Park must now complete these two draft agreements and include them in a compiled EIR for re-approval. No new environmental studies are required. RMP does not view this action by the Court as a loss; rather, RMP views today's ruling as verification that the critical environmental impact studies performed meet the full requirements of CEQA , and are fully defensible. The removal of the two performance-related agreements can be easily corrected.

Tuesday, Feb. 26, 2008

Judge throws out supervisors' approval of Riverside Motorsports Park

By Corrine Reilly (creilly@mercedsun-star.com)

The Riverside Motorsports Park and Merced County have lost a lawsuit filed against the project by the Merced County Farm Bureau and three environmental groups. The ruling means the county's approval of the RMP project, a massive motorsports complex planned to

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replace 1,200 acres of farmland near Atwater, is no longer valid. To move forward, RMP must now complete more detailed studies on how its project will affect the environment.

The ruling, handed down by San Joaquin County Judge Elizabeth Humphreys, was filed in Merced County Superior Court on Monday.

The suit was filed last year by four groups: the Farm Bureau, the San Joaquin Raptor Rescue Center, Protect our Water and Citizens for the Protection of Merced County Resources. It alleges that the county violated the California Environmental Quality Act because it failed to adequately evaluate noise, traffic and other environmental effects the motorsports complex could bring.

Though the judge ruled in favor of the county and RMP on several issues raised by the Farm Bureau and the environmental groups, RMP and the county lost in some key areas. Specifically, Humphreys said the county's environmental analysis of the project wasn't complete because it didn't examine the project's development agreement -- a document that outlines permitted uses for the RMP property, the height and size of proposed buildings and several other specifics. At the time the county approved environmental studies for the RMP project, no development agreement existed.

"The absence of this analysis renders the (environmental review) defective as an informational document upon which the public and its officials can rely in making informed judgments," Humphreys wrote. She continued that the county must "set aside and void its approvals of the Riverside Motorsports Park and refrain from further approvals unless and until it undertakes further environmental review to correct the deficiencies."

Check mercedsun-star.com for updates on this breaking story.