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**To:** [Ford, John](#); [Lazar, Steve](#); [humcofair@frontiernet.net](mailto:humcofair@frontiernet.net)  
**Subject:** Invalid  
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Mr. Ford,

The modification of (raising dB limit) clearly increases "**the likelihood of the occurrence of a significant effect on the environment.**" The MND is invalid. You don't need to revoke the permit. You just have to explain it to the HCFA and we can be done with this.

-Arne R.W. Petersen

## Chapter 2.6: General

§ 21080. DIVISION APPLICATION TO DISCRETIONARY PROJECTS; NONAPPLICATION;  
NEGATIVE DECLARATIONS; ENVIRONMENTAL IMPACT REPORT PREPARATION

(g) Nothing in this section shall preclude a project applicant or any other person from challenging, in an administrative or judicial proceeding, the legality of a condition of project approval imposed by the lead agency. If, however, any condition of project approval set aside by either an administrative body or court was necessary to **avoid or lessen the likelihood of the occurrence of a significant effect on the environment, the lead agency's approval of the negative declaration and project shall be invalid** and a new environmental review process shall be conducted before the project can be reapproved, unless the lead agency substitutes a new condition that the lead agency finds, after holding a public hearing on the matter, is equivalent to, or more effective in, lessening or avoiding significant effects on the environment and that does not cause any potentially significant effect on the environment.