

State and Regional Agencies Comments and Responses

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DEPARTMENT OF TRANSPORTATION
 DISTRICT 7, OFFICE OF PUBLIC
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October 11, 2010

IGR/CEQA DEIR/DEIS CS/100904
 Westside Subway Extension Project
 Vic. LA-405-31.54, SCH# 2009031083

Mr. David Mieger
 Los Angeles County Metropolitan Transportation Authority
 One Gateway Plaza, 99-22-5
 Los Angeles, CA 90012

Dear Mr. Mieger:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Draft Environmental Impact Statement/Draft Environmental Impact Report for the Westside Subway Extension Project. The project would connect the Metro Purple Line at Wilshire Boulevard/Western Avenue to Santa Monica and/or connect the purple Line from Wilshire Boulevard/Western Avenue to Santa Monica and connect the Red Line at Hollywood Boulevard/Highland Avenue to the Purple Line. Based on the information received, we have the following comments:

619-1 | A Cooperative Agreement between Metro and Caltrans will be necessary for the subway crossing beneath the I-405 San Diego Freeway at Wilshire Boulevard. Caltrans Structures will need to review and approve any tunnel borings beneath the I-405 Freeway associated with the subway construction project. Proposed alignment along Wilshire Boulevard at the I-405 Freeway should be submitted to Caltrans as soon as engineering plans are available.

619-2 | Traffic Management Plans involving lane closures or street detours which will have an impact on the circulation system affecting traffic to and from freeway on/off-ramps shall be coordinated with Caltrans. The construction of subway stations close to freeway on/off-ramps such as along Wilshire Boulevard at the I-405 Freeway may impact the through traffic along Wilshire Boulevard as well as impact the traffic from freeway on/off-ramps.

"Caltrans improves mobility across California"

619-1

Your comment has been noted. Metro has and will continue to coordinate will Caltrans on the issue of crossing the I-405 freeway at Wilshire Boulevard. Metro will prepare a Project Study Report (PSR)/Project Report (PR) for the portion of the Project in the vicinity of the I-405 freeway.

619-2

The comment has been noted and continuous coordination with Caltrans has and will continue to take place throughout the design process. Once the construction sequence is identified and construction activities are determined, a traffic management plan (TMP) will be developed in coordination with a Caltrans TMP team, showing potential arterial lane closures and street detours. This TMP will be submitted to the TMP team for review, comment and approval.

Mitigation measure TCON-1 in the Final EIS/EIR states that:

Site-specific traffic-control plans will be developed to minimize construction impacts for each work zone location. Traffic-control plans will follow State and local jurisdiction guidelines and standards. Traffic-control plans will be developed for Wilshire, Santa Monica, and Constellation Boulevards and north-south streets, including, but not limited to, La Brea Avenue, Fairfax Avenue, La Cienega Boulevard, Rodeo Drive, Beverly Drive, Canon Drive, Century Park East, Avenue of the Stars, Westwood Boulevard, Veteran Avenue, Sepulveda Boulevard, I-405 ramps to/from eastbound Wilshire Boulevard, and Bonsall Avenue.

To facilitate traffic flow and mitigate major disruption and bottlenecks due to construction, advanced traffic control will extend one arterial street on each side of each station construction location. This will help disperse peak-hour traffic flows onto the adjacent arterial street network. Business owners will be interviewed to identify the type of business, delivery and shipping schedules, and critical days/times of years for the business. Traffic-control plans will incorporate this information. Specific street closures will be developed in close coordination with the local jurisdictions during the Final Design phase.

Mitigation measure TCON-4 in the Final EIS/EIR further states that:

Once subway construction sequencing/phasing and the truck haul routes have been concurred upon by Metro and reviewed by local jurisdictions and Caltrans, an overall LPA Transportation Management Plan (TMP) will be developed with and approved by Metro and other appropriate agencies. The TMP will include the following:

- Public information (e.g., media alerts, website)
- Traveler information (e.g., traffic advisory radio, changeable message signs (CMS))
- Incident management (e.g., TMP coordination, tow truck services)
- Construction (e.g., detour routes, haul routes, mitigation, construction times)

619-2

- Demand management (e.g., carpooling, express bus service, variable work hours, parking management)
- Coordination with concurrent LPAs

The TMP will also address individual and overlapping haul route impacts and will impacts resulting from concurrent and overlapping station(s) and tunnel excavation work.

Mr. David Mieger
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619-3

We recommend that construction related truck trips on State Highways be limited to off-peak commute periods. Transport of over-size or over-weight vehicles on State Highways will need a Caltrans Transportation Permit. The contractor should avoid platooning of truck trips on mainline freeways, on freeway on/off-ramps and at freeway ramp intersections.

If you have any questions regarding our comments, contact Carl Shiigi, Project Coordinator, at (213) 897-1726 and please refer to record number 100904/CS.

Sincerely,



DIANNA WATSON
IGR/CEQA Program Manager
Office of Regional Planning

cc: Scott Morgan, State Clearinghouse

619-3

The comment has been noted and coordination has and will continue with Caltrans throughout the design process. Once construction lay down areas are identified and refined, haul routes will be developed and submitted to Caltrans staff for review and comment. Generally, the contractor will be tasked to meet Caltrans requirements limiting construction related truck trips to off-peak commute periods.

Mitigation measure TCON-2 in the Final EIS/EIR states that Metro will incorporate the following objectives into its truck haul route plans:

- Establish nighttime truck haul operations times/days for each route. Truck haul operations will not be allowed in the AM and PM peak hours, in residential neighborhoods (where feasible), during noise restriction hours and special events, holiday season restrictions, and as restricted by State and local jurisdictional mandates.
- Establish truck haul headways to avoid platoons of trucks upon local arterial streets and freeways. Establish a vehicle dispatching system at construction laydown areas and off-site locations to monitor and address truck headway issues as they arise.
- Develop truck haul routes for each site in coordination with and approved by State and local jurisdictions.
- Incorporate comments and issues from State and local jurisdictions into the final approved truck haul routes and truck haul operation schedules.

"Caltrans improves mobility across California"

STATE OF CALIFORNIA

Arnold Schwarzenegger, Governor

NATIVE AMERICAN HERITAGE COMMISSION

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 SACRAMENTO, CA 95814
 (916) 653-6251
 Fax (916) 657-5390
 Web Site www.nahc.ca.gov
 e-mail: ds_nahc@pacbell.net



September 8, 2010

Mr. David Mieger

Los Angeles County Metropolitan Transportation Authority

One Gateway Plaza, MS 99-22-3
 Los Angeles, CA 90012-2952

Re: SCH#2009031082 CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the Westside Subway Expansion Project located in the City of Los Angeles; Los Angeles County, California.

Dear Mr. Mieger:

The Native American Heritage Commission (NAHC) is the state 'trustee agency' pursuant to Public Resources Code §21070 for the protection and preservation of California's Native American Cultural Resources. (Also see *Environmental Protection Information Center v. Johnson* (1985) 170 Cal App. 3rd 604). The California Environmental Quality Act (CEQA - CA Public Resources Code §21000-21177, amendment effective 3/18/2010) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the California Code of Regulations §15064.5(b)(c)(f) CEQA guidelines). Section 15382 of the CEQA Guidelines defines a significant impact on the environment as "a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ... objects of historic or aesthetic significance. The lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE), and if so, to mitigate that effect. State law also addresses Native American Religious Expression in Public Resources Code §5097.9.

The Native American Heritage Commission did perform a Sacred Lands File (SLF) search in the NAHC SLF inventory, established by the Legislature pursuant to Public Resources Code §5097.94(a) and Native American Cultural Resources were not identified within one-half mile radius of the 'area of potential effect (APE)'. Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries once a project is underway. Enclosed are the names of the culturally affiliated tribes and interested Native American individuals that the NAHC recommends as 'consulting parties,' for this purpose, that may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g. APE). We recommend that you contact persons on the attached list of Native American contacts. A Native American Tribe or Tribal Elder may be the only source of information about a cultural resource. Also, the NAHC recommends that a Native American Monitor or Native American culturally knowledgeable person be employed whenever a professional archaeologist is employed during the 'Initial Study' and in other phases of the environmental planning processes.

Furthermore the NAHC recommends that you contact the California Historic Resources Information System (CHRIS) of the Office of Historic Preservation (OHP), for archaeological data. (916) 653-7278.

5-1

Your comments have been noted. Section 4.14.4 (under " Archaeological Resources ") of this Final EIS/EIR has been revised to state "The search of the Sacred Lands File did not indicate the presence of Native American cultural resources within one-half mile of the APE." Each of the Native American contacts provided by the NAHC has been contacted regarding the Project. Please also refer to Sections 4.14 and 4.15 of the Final EIS/EIR for the mitigation measures that will be part of the Project, if the Locally Preferred Alternative is implemented.

5-1

Consultation with tribes and interested Native American tribes and interested Native American individuals, as consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA (42 U.S.C. 4321-43351) and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 [f] *et seq.*), 36 CFR Part 800.3, the President's Council on Environmental Quality (CSQ; 42 U.S.C. 4371 *et seq.*) and NAGPRA (25 U.S.C. 3001-3013), as appropriate. The 1992 *Secretary of the Interior's Standards for the Treatment of Historic Properties* were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including *cultural landscapes*. Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65040.12(e).

Lead agencies should consider avoidance, as defined in Section 15370 of the California Environmental Quality Act (CEQA) when significant cultural resources could be affected by a project. Also, Public Resources Code Section 5097.98 and Health & Safety Code Section 7050.5 provide for provisions for accidentally discovered archeological resources during construction and mandate the processes to be followed in the event of an accidental discovery of any human remains in a project location other than a 'dedicated cemetery'. Discussion of these should be included in your environmental documents, as appropriate.

The authority for the SLF record search of the NAHC Sacred Lands Inventory, established by the California Legislature, is California Public Resources Code §5097.94(a) and is exempt from the CA Public Records Act (c.f. California Government Code §6254.10). The results of the SLF search are confidential. However, Native Americans on the attached contact list are not prohibited from and may wish to reveal the nature of identified cultural resources/historic properties. Confidentiality of "historic properties of religious and cultural significance" may also be protected under Section 304 of the NHPA or at the Secretary of the Interior's discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C. 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APE and possibly threatened by proposed project activity.

CEQA Guidelines, Section 15064.5(d) requires the lead agency to work with the Native Americans identified by this Commission if the initial Study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American, identified by the NAHC, to assure the appropriate and dignified treatment of Native American human remains and any associated grave liens. Although tribal consultation under the California Environmental Quality Act (CEQA; CA Public Resources Code Section 21000 – 21177) is 'advisory' rather than mandated, the NAHC does request 'lead agencies' to work with tribes and interested Native American individuals as 'consulting parties,' on the list provided by the NAHC in order that cultural resources will be protected. However, the 2006 SB 1059 the state enabling legislation to the Federal Energy Policy Act of 2005, does mandate tribal consultation for the 'electric transmission corridors. This is codified in the California Public Resources Code, Chapter 4.3, and §25330 to Division 15, requires consultation with California Native American tribes, and identifies both federally recognized and non-federally recognized on a list maintained by the NAHC

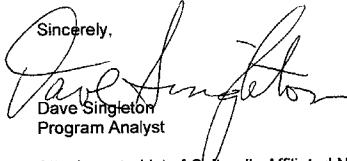
Health and Safety Code §7050.5, Public Resources Code §5097.98 and Sec. §15064.5 (d) of the California Code of Regulations (CEQA Guidelines) mandate procedures to be followed, including that construction or excavation be stopped in the event of an accidental discovery of

any human remains in a location other than a dedicated cemetery until the county coroner or medical examiner can determine whether the remains are those of a Native American. . . Note that §7052 of the Health & Safety Code states that disturbance of Native American cemeteries is a felony.

Again, Lead agencies should consider avoidance, as defined in §15370 of the California Code of Regulations (CEQA Guidelines), when significant cultural resources are discovered during the course of project planning and implementation.

Please feel free to contact me at (916) 653-6251 if you have any questions.

Sincerely,



Dave Singleton
Program Analyst

Attachment: List of Culturally Affiliated Native American Contacts

Cc: State Clearinghouse

Native American Contacts
Los Angeles County
September 8, 2010

LA City/County Native American Comm
Ron Andrade, Director
3175 West 6th Street, Rm.
Los Angeles , CA 90020
randrade@css.lacounty.gov
(213) 351-5324
(213) 386-3995 FAX

Gabrielino Tongva Nation
Sam Duniap, Chairperson
P.O. Box 86908
Los Angeles , CA 90086
samduniap@earthlink.net

(909) 262-9351 - cell
Gabrielino Tongva

Ti'At Society
Cindi Alvitre
6515 E. Seaside Walk, #C
Long Beach , CA 90803
calvitre@yahoo.com
(714) 504-2468 Cell
Gabrielino

Gabrielino Tongva Indians of California Tribal Council
Robert F. Doramae, Tribal Chair/Cultural
P.O. Box 490
Bellflower , CA 90707
gtongva@verizon.net
562-761-6417 - voice
562-925-7989 - fax
Gabrielino Tongva

Tongva Ancestral Territorial Tribal Nation
John Tommy Rosas, Tribal Admin.
tattnlaw@gmail.com
310-570-6567
Gabrielino Tongva

Gabrielino-Tongva Tribe
Bernie Acuna
1875 Century Pk East #1500
Los Angeles , CA 90067
(310) 428-7720 - cell
(310) 587-2281

Gabrieleno/Tongva San Gabriel Band of Mission
Anthony Morales, Chairperson
PO Box 693
San Gabriel , CA 91778
GTTribalcouncil@aol.com
(626) 286-1632
(626) 286-1758 - Home
(626) 286-1262 -FAX
Gabrielino Tongva

Shoshoneon Gabrieleno Band of Mission Indians
Andy Salas, Chairperson
PO Box 393
Covina , CA 91723
gabrielenoindians@yahoo.
626-926-4131
213) 688-0181 - FAX
Gabrieleno

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code. Also, federal National Environmental Policy Act (NEPA), National Historic Preservation Act, Section 106 and federal NAGPRA. And 36 CFR Part 800.

This list is only applicable for contacting local Native Americans for consultation purposes with regard to cultural resources impact by the proposed SCH#2009 CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the Westside Subway Expansion Project; located in the City of Los Angeles; Los Angeles County, California.

Native American Contacts
Los Angeles County
September 8, 2010

Gabrielino-Tongva Tribe
Linda Candelaria, Chairwoman
1875 Century Park East, Suite 1500
Los Angeles, CA 90067 Gabrielino
lcandelaria1@gabrielinoTribe.org
310-428-5767- cell
(310) 587-2281

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code. Also, federal National Environmental Policy Act (NEPA), National Historic Preservation Act, Section 106 and federal NAGPRA. And 36 CFR Part 800.

This list is only applicable for contacting local Native Americans for consultation purposes with regard to cultural resources impact by the proposed SCH#2009 CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the Westside Subway Expansion Project; located in the City of Los Angeles; Los Angeles County, California.

STATE OF CALIFORNIA

ARNOLD SCHWARZENEGGER, Governor

PUBLIC UTILITIES COMMISSION

220 WEST 4TH STREET, SUITE 500
LOS ANGELES, CA 90013



November 1, 2010

Mr. David Mieger
Los Angeles County Metropolitan Transportation Authority
1 Gateway Plaza, 99-22-5
Los Angeles, CA. 90012

Re: Draft Environmental Impact Statement/Draft Environmental Impact Report.

Dear Mr. David Mieger,

Thank you for providing us with a copy of your Draft Environmental Impact Statement/Report (DEIS/R) for the Westside Subway Extension Project. The California Public Utilities Commission (CPUC or Commission) will be interacting with the Los Angeles County Metropolitan Transit Authority (LACMTA) regarding this project as soon as the Technical Advisory Committee meetings get under way.

The Westside Subway Extension Project is subject to a number of rules and regulations involving the CPUC. These may include but are not limited to: State of California Public Utilities Code 30646 and 99152. The design criteria of the proposed project must comply with CPUC General Orders (GOs), such as, GO 164-D Rules and Regulations Governing State Safety Oversight of Rail Fixed Guideway Systems; GO 128 Rules For Construction of Underground Electric Supply and Communication Systems, and GO 95 Rules for Overhead Electric Line Construction. GO 143-B Safety Rules and Regulations Governing Light Rail Transit, is to be used as a guide for heavy rail requirements and operations.

Thank you for the opportunity to review and comment on your DESIR/R. Commission staff is available to meet with you and discuss any questions and/or concerns.

We look forward to working with LACMTA on this project. Please do not hesitate to call or email the Commission LACMTA representative, Howard Huie, if you have any questions or concerns. His phone number is 213.620.6203 and his email is howard.huie@cpuc.ca.gov

Sincerely,

Stephen Artus
Program and Project Supervisor
Rail Transit Safety Section
Consumer Protection and Safety Division

835-1

Your comment is noted. Metro has and will continue to coordinate with The California Public Utilities Commission.

835-1

JAMES EARL, CHIEF
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BIMLA G. RHINEHART, Executive Director



ARNOLD SCHWARZENEGGER
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CALIFORNIA TRANSPORTATION COMMISSION

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December 7, 2010

Mr. David Mieger
 Los Angeles County Metropolitan Transportation Authority
 One Gateway Plaza, MS 99-22-5
 Los Angeles, CA 90012-2952

RE: Draft Environmental Impact Report - Westside Subway Extension

Dear Mr. Mieger,

The California Transportation Commission (Commission) received the Draft Environmental Impact Report (DEIR) prepared by the Los Angeles County Metropolitan Transportation Authority (Metro) for the Westside Subway Extension Project (project) in the City of Los Angeles and has no comment regarding the environmental issues to be addressed in the DEIR.

It is our understanding that this project will be funded through a combination of Measure R and Federal funds. However, if future Commission action is anticipated for this project, the Commission should be notified as soon as the environmental process is complete. The Commission cannot allocate funds to the project for design, right of way or construction until the final environmental document is complete and the Commission has considered the environmental impacts of the project and approved the environmentally cleared project for future consideration of funding.

If you have any questions, please contact Susan Bransen, Associate Deputy Director, at (916) 653-2082.

Sincerely,

Bimla G. Rhinehart
 BIMLA G. RHINEHART
 Executive Director

c: Jay Norvell, Chief, Caltrans Environmental Analysis

838-1

Your comment has been noted. Metro will continue to coordinate with The California Transportation Commission.

838-1

SOUTHERN CALIFORNIA

ASSOCIATION of
GOVERNMENTS**Main Office**

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587-1
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October 18, 2010

Mr. David Mieger
Project Director
Los Angeles County Metropolitan Transportation Authority
One Gateway Plaza
Los Angeles, CA 90012-2952
miegerd@metro.net

RE: SCAG Comments on the Draft Environmental Impact Report for the Westside Subway Extension
Transit Corridor [SCAG No. I20100306]

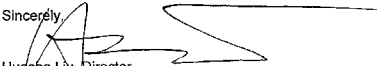
Dear Mr. Mieger,

Thank you for submitting the **Draft Environmental Impact Report for the Westside Subway Extension Transit Corridor [SCAG No. I20100306]** to the Southern California Association of Governments (SCAG) for review and comment. SCAG is the authorized regional agency for Inter-Governmental Review of Programs proposed for federal financial assistance and direct development activities, pursuant to Presidential Executive Order 12372 (replacing A-95 Review). Additionally, pursuant to Public Resources Code Section 21083(d) SCAG reviews Environmental Impacts Reports of projects of regional significance for consistency with regional plans per the California Environmental Quality Act Guidelines, Sections 15125(d) and 15206(a)(1). SCAG is also the designated Regional Transportation Planning Agency and as such is responsible for both preparation of the Regional Transportation Plan (RTP) and Federal Transportation Improvement Program (FTIP) under California Government Code Section 65080 and 65082. As the clearinghouse for regionally significant projects per Executive Order 12372, SCAG reviews the consistency of local plans, projects, and programs with regional plans. This activity is based on SCAG's responsibilities as a regional planning organization pursuant to state and federal laws and regulations. Guidance provided by these reviews is intended to assist local agencies and project sponsors to take actions that contribute to the attainment of regional goals and policies.

SCAG staff has reviewed this project and determined that the proposed project is regionally significant per California Environmental Quality Act (CEQA) Guidelines, Sections 15125 and/or 15206. The proposed project is a heavy rail subway system that would operate as an extension of the Metro Purple Line/Metro Red Line heavy rail subway system west from its current terminal at Wilshire/Western Station and Hollywood/Highland Station to a new western terminus either in Westwood near the University of California, Los Angeles (UCLA) campus, the West Los Angeles Veterans Affairs (VA) Hospital, or the City of Santa Monica.

We have evaluated this project based on the policies of SCAG's Regional Transportation Plan (RTP) and Compass Growth Visioning Principles that may be applicable to your project. The RTP and Compass Growth Visioning Principles can be found on the SCAG web site at: <http://scag.ca.gov/igr>. The attached detailed comments are meant to provide guidance for considering the proposed project within the context of our regional goals and policies. We also encourage the use of the SCAG List of Mitigation Measures extracted from the RTP to aid with demonstrating consistency with regional plans and policies. Please send a copy of the Final Environmental Impact Report (FEIR) ONLY to SCAG's main office in Los Angeles for our review. If you have any questions regarding the attached comments, please contact Bernard Lee at (213) 236-1895. Thank you.

Sincerely,


Huaqsha Liu, Director
Land Use and Environmental Planning

The Regional Council is comprised of 84 elected officials representing 190 cities, six counties, six County Transportation Commissions and a Tribal Government representative within Southern California.

10.4.10

587-1

Your comment reviewing the Draft EIS/EIR has been noted. The Draft EIS/EIR and Final EIS/EIR are consistent with the SCAG 2008 Regional Transportation Plan (RTP) growth forecast and goals and policies as noted in the comment.

October 18, 2010
Mr. Mieger

SCAG No. I20100306

**COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE
WESTSIDE SUBWAY EXTENSION TRANSIT CORRIDOR
[SCAG NO. I20100306]**

PROJECT LOCATION

The Westside Subway Extension Project Study Area is in western Los Angeles County and encompasses approximately 38 square miles. The Study Area is oriented east-west and includes portions of five jurisdictions—the Cities of Los Angeles, West Hollywood, Beverly Hills, and Santa Monica, plus portions of unincorporated Los Angeles County. The Study Area boundaries generally extend north to the Santa Monica Mountains along Hollywood, Sunset, and San Vicente Boulevards, east to the Metro Rail stations at Hollywood/Highland and Wilshire/Western, south to Pico Boulevard, and west to the Pacific Ocean.

Several alternatives have been analyzed. Depending on the alternative selected, the subway would extend from the Metro Purple Line Wilshire/Western station to Westwood at a minimum. The most extensive alternative would extend the subway from the Metro Purple Line Wilshire/Western station to Santa Monica, with a spur that would run through West Hollywood starting at the Metro Red Line Hollywood/Highland station and connect with the proposed Wilshire/La Cienega station.

PROJECT DESCRIPTION

The proposed project would be a heavy rail subway system that would operate as an extension of the Metro Purple Line/Metro Red Line heavy rail subway system west from its current terminal at Wilshire/Western Station and Hollywood/Highland Station to a new western terminus either in Westwood near the University of California, Los Angeles (UCLA) campus, the West Los Angeles Veterans Affairs (VA) Hospital, or the City of Santa Monica.

Alternatives under consideration include a No Build Alternative, Transportation Systems Management (TSM) Alternative, and five Build Alternatives as follows:

- **No Build**
Under the No Build Alternative, no new infrastructure would be built within the Study Area, aside from projects currently under construction or projects funded for construction, environmentally cleared, planned to be in operation by 2035, and identified in the adopted Metro LRTP.
- **TSM**
The TSM Alternative emphasizes more frequent bus service than the No Build Alternative to reduce delay and enhance mobility. As such, the TSM meets some aspect of the Purpose and Need to provide enhanced transit service and improved mobility in the Study Area. The TSM Alternative contains all elements of the highway, transit, Metro Rail, and bus service described under the No Build Alternative. In addition, the TSM Alternative increases the frequency of service during peak periods for Metro Rapid Bus Line 720 (Santa Monica–Commerce via Wilshire Boulevard and Whittier Boulevard).
- **Alternative 1 - Westwood/UCLA Extension**
The Westwood/UCLA Extension would extend Heavy Rail Transit (HRT), in subway, from the existing Metro Purple Line Wilshire/Western Station to a Westwood/UCLA Station. The alignment is approximately 8.60 miles in length. From the Wilshire/Western Station, Alternative 1 travels westerly beneath Wilshire Boulevard to the Wilshire/Rodeo Station and then southwesterly toward a Century City Station. Alternative 1 then extends from Century City and terminates at a Westwood/UCLA Station.

Alternative 1 would operate in each direction at 3.3-minute headways during morning and evening

October 18, 2010
Mr. Mieger

SCAG No. I20100306

peak periods and at 10-minute headways during midday. Service frequencies on other Metro Rail lines and bus routes in the corridor would be the same as for the No Build Alternative. The estimated one-way running time is 12 minutes 39 seconds from the Wilshire/Western Station.

- **Alternative 2 - Westwood/VA Hospital Extension**
This alternative extends HRT, in subway, from the existing Metro Purple Line Wilshire/Western Station to a Westwood/VA Hospital Station. This alignment is 8.96 miles in length from the Wilshire/Western Station. Similar to Alternative 1, from the Wilshire/Western Station, Alternative 2 travels westerly beneath Wilshire Boulevard to the Wilshire/Rodeo Station and then southwesterly toward a Century City Station, then toward a Westwood/UCLA Station. Alternative 2 then travels westerly under Veteran Avenue and continues west under the I-405 Freeway, terminating at a Westwood/VA Hospital Station.

Alternative 2 would operate in each direction at 3.3-minute headways during the morning and evening peak periods and at 10-minute headways during the midday, off-peak period. Service frequencies on other Metro Rail lines and bus routes in the corridor would be the same as for the No Build Alternative. The estimated one-way running time is 13 minutes 53 seconds from the Wilshire/Western Station.

- **Alternative 3 - Santa Monica Extension**
This alternative extends HRT, in subway, from the existing Metro Purple Line Wilshire/Western Station to the Wilshire/4th Station in Santa Monica. The alignment is 12.38 miles in length from the Wilshire/Western Station. Similar to Alternative 1, from the Wilshire/Western Station, Alternative 3 travels westerly beneath Wilshire Boulevard to the Wilshire/Rodeo Station and then southwesterly toward a Century City Station, then toward a Westwood/UCLA Station. Similar to Alternative 2, Alternative 3 continues westerly under Veteran Avenue and continues west under the I-405 Freeway to a Westwood/VA Hospital Station. Alternative 3 would then continue westerly under Wilshire Boulevard, terminating at the Wilshire/4th Street Station between 4th and 5th Streets.

Alternative 3 would operate in each direction at 3.3-minute headways during the morning and evening peak periods and operate with 10-minute headways during the midday, off-peak period. The estimated one-way running time is 19 minutes 27 seconds from the Wilshire/Western Station.

- **Alternative 4 - Westwood/VA Hospital Extension plus West Hollywood Extension**
Similar to Alternative 2, this alternative extends HRT, in subway, from the existing Metro Purple Line Wilshire/Western Station to a Westwood/VA Hospital Station but also adds a West Hollywood Extension. The West Hollywood branch extends from the existing Metro Red Line Hollywood/Highland Station to the track connection structure near Robertson and Wilshire Boulevards. The alignment is 14.06 miles in length.

From a new station at Hollywood/Highland, the West Hollywood Line extends south under Highland Avenue to just north of Fountain Avenue where the alignment curves southwest. At Orange Drive, the alignment turns westerly under Santa Monica Boulevard. At the Sycamore Avenue/Santa Monica Boulevard intersection, the alignment continues westerly under Santa Monica Boulevard to just east of the Santa Monica/San Vicente Boulevard intersection. The alignment turns south at Larrabee Street, under San Vicente Boulevard to Ashcroft Avenue. At Ashcroft Avenue, the alignment continues south between Sherbourne Drive and San Vicente Boulevard, crossing under Beverly Boulevard, and is then under San Vicente Boulevard to just north of 3rd Street. Near 4th Street, the alignment begins to curve under Burton Way. At Colgate Avenue, the alignment turns southwesterly, crossing under Clifton Way, Le Doux Road, and Stanley Drive. West of Stanley Drive, the alignment curves westerly under Carson Road, Hamel Drive, and Amaz Drive, and then connects into the alignment of Alternative 2 at a track connection structure at Robertson and Wilshire Boulevards.

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Alternative 4 would operate from Wilshire/Western to the Westwood/VA Hospital Station in each direction at 3.3-minute headways during morning and evening peak periods and 10-minute headways during the midday off-peak period. The West Hollywood branch of Alternative 4 would operate at 5-minute headways during peak periods and 10-minute headways during the midday, off-peak period. The estimated one-way running time for the Metro Purple Line extension is 13 minutes 53 seconds, and the running time for the West Hollywood from Hollywood/Highland to Westwood/VA Hospital is 17 minutes and 2 seconds.

- Alternative 5 - Santa Monica Extension plus West Hollywood Extension
Similar to Alternative 3, this alternative extends HRT, in subway, from the existing Metro Purple Line Wilshire/Western Station to the Wilshire/4th Station and adds a West Hollywood Extension similar to the extension described in Alternative 4. The alignment is 17.49 miles in length.

Alternative 5 is comprised of two elements: a Metro Purple Line extension to Santa Monica plus a West Hollywood branch to Santa Monica. The Metro Purple Line extension would operate in each direction at 3.3-minute headways during the morning and evening peak periods and 10-minute headways during the midday, off-peak period. The West Hollywood branch would operate in each direction at 5-minute headways during peak periods and 10-minute headways during the midday, off-peak period. The estimated one-way running time for the Metro Purple Line extension is 19 minutes 27 seconds, and the running time for the West Hollywood Line from the Hollywood/Highland Station to the Wilshire/4th Station is 22 minutes 36 seconds.

CONSISTENCY WITH REGIONAL TRANSPORTATION PLAN

Regional Growth Forecasts

The Draft Environmental Impact Report (DEIR) should reflect the most current SCAG forecasts, which are the 2008 RTP (May 2008) Population, Household and Employment forecasts. The forecasts for your region and subregion are as follows:

Adopted SCAG Regionwide Forecasts¹

	<u>2010</u>	<u>2015</u>	<u>2020</u>	<u>2025</u>	<u>2030</u>	<u>2035</u>
Population	19,418,344	20,465,830	21,468,948	22,395,121	23,255,377	24,057,286
Households	6,086,986	6,474,074	6,840,328	7,156,645	7,449,484	7,710,722
Employment	8,349,453	8,811,406	9,183,029	9,546,773	9,913,376	10,287,125

Adopted Westside Cities COG Subregion Forecasts¹

	<u>2010</u>	<u>2015</u>	<u>2020</u>	<u>2025</u>	<u>2030</u>	<u>2035</u>
Population	238,853	241,697	244,876	247,938	250,890	253,719
Households	116,180	117,655	119,209	120,423	121,595	122,561
Employment	255,625	260,054	262,882	266,208	269,760	273,161

1. The 2008 RTP growth forecast at the regional, subregional, and city level was adopted by the Regional Council in May 2008.

SCAG Staff Comments:

As indicated in Section 4.1 Land Use, employment and population growth projections are based on the SCAG 2008 RTP growth forecast.

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The 2008 Regional Transportation Plan (RTP) also has goals and policies that are pertinent to this proposed project. This RTP links the goal of sustaining mobility with the goals of fostering economic development, enhancing the environment, reducing energy consumption, promoting transportation-friendly development patterns, and encouraging fair and equitable access to residents affected by socio-economic, geographic and commercial limitations. The RTP continues to support all applicable federal and state laws in implementing the proposed project. Among the relevant goals and policies of the RTP are the following:

Regional Transportation Plan Goals:

- RTP G1 *Maximize mobility and accessibility for all people and goods in the region.*
- RTP G2 *Ensure travel safety and reliability for all people and goods in the region.*
- RTP G3 *Preserve and ensure a sustainable regional transportation system.*
- RTP G4 *Maximize the productivity of our transportation system.*
- RTP G5 *Protect the environment, improve air quality and promote energy efficiency.*
- RTP G6 *Encourage land use and growth patterns that complement our transportation investments.*
- RTP G7 *Maximize the security of our transportation system through improved system monitoring, rapid recovery planning, and coordination with other security agencies.*

SCAG Staff Comments:

Where able to assess, SCAG staff finds that the proposed project meets consistency with Regional Transportation Plan Goals.

- 587-2 | The proposed project meets consistency with RTP G1. Mobility pertains to the speed at which one may travel and the delay, or difference between the actual travel time and travel time that would be experienced if a person traveled at the legal speed limit. The proposed project is expected to improve mobility by improving Levels of Service in Study Area intersections, relative to the No Build scenario, (indicated in Table 3-11). Accessibility measures how well the transportation system provides people access to opportunities, such as jobs, education, shopping, recreation, and medical care. The proposed project would provide a faster and more reliable connection between employment centers in Downtown Los Angeles with those in Beverly Hills, Century City, and Westwood, as well as other uses along the proposed Alternatives' routes.
- 587-3 | With regard to RTP G2, the proposed project meets consistency. The RTP aims to improve safety by minimizing accidents. Mitigation measures listed on page 4-204 would be incorporated to ensure passenger safety. Reliability reflects the degree to which travelers experience variation in trip times from day to day. As indicated on page 3-28, "While some deviations could occur due to special conditions such as a traffic accident, close adherence between published and actual transit schedules and travel times should be expected."

Staff finds that the proposed project meets consistency with regard to RTP G2. Programmed funds for the operations and maintenance of the project are identified on pages 6-6 and 6-7, as are additional funding sources eligible for operations and maintenance.
- 587-4 | With regard to RTP G4, the proposed project meets consistency. Productivity is a system efficiency measure that reflects the degree to which the transportation system performs during peak demand conditions. Per Table 3-10, the proposed project would reduce the number of AM and PM peak period trips in the Study Area.
- 587-5 | The proposed project meets consistency with RTP G5. Per page 4-87, "The Project is predicted to lower all regional pollutant burden levels on the regional and Study Area levels. Project impacts are below the regional significance thresholds the SCAQMD developed. While all alternatives are predicted to reduce overall emission burden levels within the Study Area and regionally, Alternative 5 (Santa Monica Extension plus West Hollywood Extension) is estimated to lower emissions the most on a regional level and within the Study Area."

587-2

The proposed project is consistent with SCAG's Regional Transportation Plan Goal 1.

587-3

The proposed project is consistent with SCAG's Regional Transportation Plan Goal 2.

587-4

The proposed project is consistent with SCAG's Regional Transportation Plan Goal 4.

587-5

The proposed project is consistent with SCAG's Regional Transportation Plan Goal 5.

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587-6 | With regard to RTP G6, the proposed project meets consistency. As indicated on page 1-6, "cities in the Study Area have implemented general plan and zoning policies that support the development of denser development centers served by transit in the Study Area. The plans support use of transit to improve levels of service between Downtown Los Angeles, West Hollywood, Beverly Hills, and Santa Monica. Transit corridors and stations are planned for high-density and mixed-use development that function as destinations for transit users (e.g., jobs, entertainment, and culture) and contain a high number of residents who can conveniently use transit."

587-7 | The proposed project meets consistency with RTP G7. Mitigation measures listed on page 4-205 would be incorporated to ensure security of the system.

COMPASS GROWTH VISIONING

The fundamental goal of the **Compass Growth Visioning** effort is to make the SCAG region a better place to live, work and play for all residents regardless of race, ethnicity or income class. Thus, decisions regarding growth, transportation, land use, and economic development should be made to promote and sustain for future generations the region's mobility, livability and prosperity. The following "Regional Growth Principles" are proposed to provide a framework for local and regional decision-making that improves the quality of life for all SCAG residents. Each principle is followed by a specific set of strategies intended to achieve this goal.

Principle 1: Improve mobility for all residents.

GV P1.1 *Encourage transportation investments and land use decisions that are mutually supportive.*

GV P1.2 *Locate new housing near existing jobs and new jobs near existing housing.*

GV P1.3 *Encourage transit-oriented development.*

GV P1.4 *Promote a variety of travel choices*

SCAG Staff Comments:

Where applicable, SCAG staff finds that the proposed project meets consistency with Principle 1. GV P1.2 is not applicable.

587-8 | The proposed project meets consistency with GV P1.1. Per page 1-4, the Study Area's population and employment densities are among the highest in the region. As mentioned earlier, general plan and zoning policies in the Study Area support higher-density uses served by transit.

587-9 | With regard to GV P1.3, the proposed project meets consistency. The proposed project, in conjunction with previously mentioned land use policies would generate numerous transit-oriented development opportunities.

587-10 | The proposed project meets consistency with GV P1.4, as it would support the use of public transit as a travel mode.

Principle 2: Foster livability in all communities.

GV P2.1 *Promote infill development and redevelopment to revitalize existing communities.*

GV P2.2 *Promote developments, which provide a mix of uses.*

GV P2.3 *Promote "people scaled," walkable communities.*

GV P2.4 *Support the preservation of stable, single-family neighborhoods.*

587-6

The proposed project is consistent with SCAG's Regional Transportation Plan Goal 6.

587-7

The proposed project is consistent with SCAG's Regional Transportation Plan Goal 7.

587-8

The proposed project is consistent with SCAG's Compass Growth Visioning Principle 1.1.

587-9

The proposed project is consistent with SCAG's Compass Growth Visioning Principle 1.3.

587-10

The proposed project is consistent with SCAG's Compass Growth Visioning Principle 1.4.

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SCAG Staff Comments:

Where applicable, SCAG staff finds that the proposed project meets consistency with Principle 2. GV P2.4 is not applicable.

587-11 | SCAG staff finds that the project is consistent with GV P2.1, as it would promote development of infill properties located near the stations.

587-12 | With regard to GV P2.2, the proposed project meets consistency. As mentioned previously, land use policies near the proposed stations support high-density mixed-use development.

587-13 | The proposed project meets consistency with GV P2.3. Table 3-8 suggests that walking will have the largest transit station access mode share, which would support development of walkable communities near transit stations.

Principle 3: Enable prosperity for all people.

GV P3.1 *Provide, in each community, a variety of housing types to meet the housing needs of all income levels.*

GV P3.2 *Support educational opportunities that promote balanced growth.*

GV P3.3 *Ensure environmental justice regardless of race, ethnicity or income class.*

GV P3.4 *Support local and state fiscal policies that encourage balanced growth*

GV P3.5 *Encourage civic engagement.*

SCAG Staff Comments:

587-14 | Where applicable, staff finds that this project is consistent with GV P3.3, as per page 4-61, no minority or low income communities were identified to have potential disproportionately high and adverse impacts in either the analysis of the project or the public outreach activities.

Principles GV P3.1, P3.2, P3.4 and P3.5 are not applicable.

Principle 4: Promote sustainability for future generations.

GV P4.1 *Preserve rural, agricultural, recreational, and environmentally sensitive areas*

GV P4.2 *Focus development in urban centers and existing cities.*

GV P4.3 *Develop strategies to accommodate growth that uses resources efficiently, eliminate pollution and significantly reduce waste.*

GV P4.4 *Utilize "green" development techniques*

SCAG Staff Comments:

Where applicable, SCAG staff finds that the project is consistent with Principle 4. Principles GV P4.1 and P4.4 are not applicable.

587-15 | The proposed project meets consistency with GV P4.2, as it would increase density within urban centers.

587-16 | The proposed project meets consistency with GV P4.3. As mentioned earlier, the proposed project would improve overall air quality. Per Table 4-39, the proposed project would result in a net reduction of mobile source energy.

587-11

The proposed project is consistent with SCAG's Compass Growth Visioning Principle 2.1.

587-12

The proposed project is consistent with SCAG's Compass Growth Visioning Principle 2.2.

587-13

The proposed project is consistent with SCAG's Compass Growth Visioning Principle 2.3.

587-14

The proposed project is consistent with SCAG's Compass Growth Visioning Principle 3.3.

587-15

The proposed project is consistent with SCAG's Compass Growth Visioning Principle 4.2.

587-16

The proposed project is consistent with SCAG's Compass Growth Visioning Principle 4.3.

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CONCLUSION

Where applicable, the proposed project meets consistency with SCAG Regional Transportation Plan Goals and also meets consistency with Compass Growth Visioning Principles.

587-17

All feasible measures needed to mitigate any potentially negative regional impacts associated with the proposed project should be implemented and monitored, as required by CEQA. We recommend that you review the SCAG List of Mitigation Measures for additional guidance, and encourage you to follow them, where applicable to your project. The SCAG List of Mitigation Measures may be found here: http://www.scaq.ca.gov/igr/documents/SCAG_IGRMMRP_2008.pdf

When a project is of statewide, regional, or areawide significance, transportation information generated by a required monitoring or reporting program shall be submitted to SCAG as such information becomes reasonably available, in accordance with CEQA, Public Resource Code Section 21081.7, and CEQA Guidelines Section 15097 (g).

587-17

Your comment and recommendation on mitigation measures for the Project have been noted. A list of the mitigation measures for adverse impacts related to the Westside Subway Extension project is summarized in the Executive Summary in Tables S-6, S-7, and S-8. A full list of the mitigation monitoring for the project can be found in Appendix I - Mitigation Monitoring and Reporting Plan. Appendix I describes the mitigation as well as the timing of the implementation of that mitigation. During the Final EIS/EIR phase, further analysis of project impacts during construction and operations were conducted and associated standard and site-specific mitigation measures were further developed. SCAG's List of Mitigation Measures was reviewed and generally reflects many of the principles of the mitigation suggested for the Westside Subway Extension where there were adverse impacts or, in some cases, to avoid adverse impacts. Metro is responsible to implement monitoring and verification of successful completion of each mitigation measure.



Arnold Schwarzenegger
Governor

October 14, 2010

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Cathleen Cox
Acting Director

David Mieger
Los Angeles County Metropolitan Transportation Authority
One Gateway Plaza MS 99-22-3
Los Angeles, CA 90012-2952

Subject: Westside Subway Extension Project
SCH#: 2009031083

Dear David Mieger:

834-1

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on October 13, 2010, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Terry Roberts
Director, State Clearinghouse

Enclosures
cc: Resources Agency

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
TEL (916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

834-1

Your comment has been noted. Responses to the attached Native American Heritage Commission letter are addressed in submission number five as it was submitted directly to Metro.

**Document Details Report
State Clearinghouse Data Base**

SCH# 2009031083
Project Title Westside Subway Extension Project
Lead Agency Los Angeles County

Type EIR Draft EIR

Description The project is a heavy rail subway system that would operate as an extension of the Metro Purple Line/Metro Red Line heavy rail subway west from its current terminal at the Wilshire/Western Station and Hollywood/Highland Station to a new western terminus either in Westwood near the University of California, Los Angeles or the West Los Angeles Veterans Affairs Hospital, or near 4th street in Santa Monica. The Study Area is in western Los Angeles County and encompasses approximately 38 square miles in an east/west orientation. It includes portion sof the following cities: Los Angeles, West Hollywood, Beverly Hills, Santa Monica, and unincorporated Los Angeles County. The northern boundary extends to the base of the Santa Monica Mountains along Hollywood, Sunset and San Vicente Boulevards, east to the Metro Rail stations at Hollywood/Highland and Wilshire/Western, south to Pico Boulevard and west to the Pacific Ocean. Alternatives under consideration include a No Build Alternative, Transportation Systems Management (TSM) Alternative, five Build Alternatives with six options.

Lead Agency Contact

Name David Miegler
Agency Los Angeles County Metropolitan Transportation Authority
Phone (213) 922-3040 **Fax**
email
Address One Gateway Plaza MS 99-22-3
City Los Angeles **State** CA **Zip** 90012-2952

Project Location

County Los Angeles
City Los Angeles, City of, Beverly Hills, Santa Monica, ...
Region
Lat / Long 34° 4' 3.84" N / 118° 23' 55.6" W
Cross Streets Wilshire/Western to Wilshire/4th Street and Hollywood/Highland to Wilshire/La Cienega
Parcel No. Multiple
Township 1S **Range** 14E **Section** **Base** SBB&M

Proximity to:

Highways I-405, I-10
Airports
Railways Metrolink, Amtrak, UP
Waterways Los Angeles River
Schools Multiple
Land Use Single family and multi-family residential, commercial, government institutional, vacant/parking.

Project Issues Air Quality; Archaeologic-Historic; Coastal Zone; Drainage/Absorption; Economics/Jobs; Fiscal Impacts; Geologic/Seismic; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Wetland/Riparian; Growth Inducing; Landuse; Cumulative Effects; Other Issues; Flood Plain/Flooding; Aesthetic/Visual; Agricultural Land; Biological Resources; Minerals; Water Supply

Reviewing Agencies Resources Agency; California Coastal Commission; Department of Conservation; Department of Fish and Game, Region 5; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 7; Air Resources Board, Transportation Projects; Regional Water Quality Control Board, Region 4; Department of Toxic Substances Control; Native American Heritage Commission; Public Utilities Commission

Note: Blanks in data fields result from insufficient information provided by lead agency.

Document Details Report
State Clearinghouse Data Base

Date Received 08/30/2010 *Start of Review* 08/30/2010 *End of Review* 10/13/2010

Note: Blanks in data fields result from insufficient information provided by lead agency.

STATE OF CALIFORNIA

Arnold Schwarzenegger, Governor

NATIVE AMERICAN HERITAGE COMMISSION

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 SACRAMENTO, CA 95814
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September 8, 2010

Mr. David Mieger

Los Angeles County Metropolitan Transportation Authority

One Gateway Plaza, MS 99-22-3
 Los Angeles, CA 90012-2952

Re: SCH#2009031081 CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the Westside Subway Expansion Project located in the City of Los Angeles, Los Angeles County, California.

Dear Mr. Mieger:

The Native American Heritage Commission (NAHC) is the state 'trustee agency' pursuant to Public Resources Code §21070 for the protection and preservation of California's Native American Cultural Resources. (Also see *Environmental Protection Information Center v. Johnson (1985) 170 Cal App. 3rd 604*). The California Environmental Quality Act (CEQA - CA Public Resources Code §21000-21177, amendment effective 3/18/2010) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the California Code of Regulations §15064.5(b)(c)(f) CEQA guidelines). Section 15382 of the CEQA Guidelines defines a significant impact on the environment as "a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ... objects of historic or aesthetic significance. The lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE), and if so, to mitigate that effect. State law also addresses Native American Religious Expression in Public Resources Code §5097.9.

The Native American Heritage Commission did perform a Sacred Lands File (SLF) search in the NAHC SLF Inventory, established by the Legislature pursuant to Public Resources Code §5097.94(a) and Native American Cultural Resources were not identified within one-half mile radius of the 'area of potential effect (APE).' Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries once a project is underway. Enclosed are the names of the culturally affiliated tribes and interested Native American individuals that the NAHC recommends as 'consulting parties,' for this purpose, that may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g. APE). We recommend that you contact persons on the attached list of Native American contacts. A Native American Tribe or Tribal Elder may be the only source of information about a cultural resource.. Also, the NAHC recommends that a Native American Monitor or Native American culturally knowledgeable person be employed whenever a professional archaeologist is employed during the 'Initial Study' and in other phases of the environmental planning processes.

Furthermore the NAHC recommends that you contact the California Historic Resources Information System (CHRIS) of the Office of Historic Preservation (OHP), for archaeological data. (916) 653-7278.

Consultation with tribes and interested Native American tribes and interested Native American individuals, as consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA (42 U.S.C. 4321-43351) and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 [f] *et seq.*), 36 CFR Part 800.3, the President's Council on Environmental Quality (CSQ; 42 U.S.C. 4371 *et seq.*) and NAGPRA (25 U.S.C. 3001-3013), as appropriate. The 1992 *Secretary of the Interior's Standards for the Treatment of Historic Properties* were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including *cultural landscapes*. Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65040.12(e).

Lead agencies should consider avoidance, as defined in Section 15370 of the California Environmental Quality Act (CEQA) when significant cultural resources could be affected by a project. Also, Public Resources Code Section 5097.98 and Health & Safety Code Section 7050.5 provide for provisions for accidentally discovered archeological resources during construction and mandate the processes to be followed in the event of an accidental discovery of any human remains in a project location other than a 'dedicated cemetery. Discussion of these should be included in your environmental documents, as appropriate.

The authority for the SLF record search of the NAHC Sacred Lands Inventory, established by the California Legislature, is California Public Resources Code §5097.94(a) and is exempt from the CA Public Records Act (c.f. California Government Code §6254.10). The results of the SLF search are confidential. However, Native Americans on the attached contact list are not prohibited from and may wish to reveal the nature of identified cultural resources/historic properties. Confidentiality of 'historic properties of religious and cultural significance' may also be protected under Section 304 of the NHPA or at the Secretary of the Interior's discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C. 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APE and possibly threatened by proposed project activity.

CEQA Guidelines, Section 15064.5(d) requires the lead agency to work with the Native Americans identified by this Commission if the initial Study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American, identified by the NAHC, to assure the appropriate and dignified treatment of Native American human remains and any associated grave liens. Although tribal consultation under the California Environmental Quality Act (CEQA; CA Public Resources Code Section 21000 – 21177) is 'advisory' rather than mandated, the NAHC does request 'lead agencies' to work with tribes and interested Native American individuals as 'consulting parties,' on the list provided by the NAHC in order that cultural resources will be protected. However, the 2006 SB 1059 the state enabling legislation to the Federal Energy Policy Act of 2005, does mandate tribal consultation for the 'electric transmission corridors. This is codified in the California Public Resources Code, Chapter 4.3, and §25330 to Division 15, requires consultation with California Native American tribes, and identifies both federally recognized and non-federally recognized on a list maintained by the NAHC

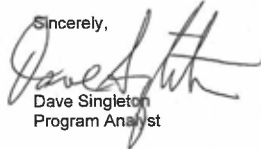
Health and Safety Code §7050.5, Public Resources Code §5097.98 and Sec. §15064.5 (d) of the California Code of Regulations (CEQA Guidelines) mandate procedures to be followed, including that construction or excavation be stopped in the event of an accidental discovery of

any human remains in a location other than a dedicated cemetery until the county coroner or medical examiner can determine whether the remains are those of a Native American. . Note that §7052 of the Health & Safety Code states that disturbance of Native American cemeteries is a felony.

Again, Lead agencies should consider avoidance, as defined in §15370 of the California Code of Regulations (CEQA Guidelines), when significant cultural resources are discovered during the course of project planning and implementation.

Please feel free to contact me at (916) 653-6251 if you have any questions.

Sincerely,



Dave Singleton
Program Analyst

Attachment: List of Culturally Affiliated Native American Contacts

Cc: State Clearinghouse