

APPENDIX G

RESPONSES TO PUBLIC COMMENTS

RESPONSE TO PUBLIC COMMENTS

PACIFIC COAST HIGHWAY/DEL PRADO AVENUE PHASE I STREET IMPROVEMENT PROJECT DRAFT ENVIRONMENTAL IMPACT REPORT DANA POINT, CA

INTRODUCTION

The 45-day public review period for the Draft Environmental Impact Report (EIR) prepared for the Pacific Coast Highway/Del Prado Avenue Phase I Street Improvement Project extended from December 3, 2010 through January 17, 2011. The City of Dana Point received five (5) comment letters and one email on the Draft EIR during the formal public review and comment period. Responses to the comments included in each of the letters received by the City have been prepared and are included with the Final EIR. The comment letters and email were received from:

1. Orange County Transportation Authority (January 17, 2011)
2. Orange County Fire Authority (January 11, 2011)
3. California Department of Transportation (December 14, 2010)
4. Native American Heritage Commission (December 27, 2010)
5. Terry Goller/Alexander Lake (January 14, 2011)
6. Wayne Via (January 14, 2011)
7. James R. Webb (December 8, 2010)¹

¹Mr. Webb raised a question regarding the cost of the proposed improvements; however, his comment did not identify any questions and/or issues related to the adequacy of the Draft EIR. The City responded to Mr. Webb's question in a letter response dated December 21, 2010.



JERRY BROWN
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



RCVD JAN 24 '11

January 20, 2011

Werner Abrajano
City of Dana Point
33282 Street of the Golden Lantern
Dana Point, CA 92629

Subject: Pacific Coast Highway/Del Prado Avenue Phase 1 Street Improvement Project
SCH#: 2010041056

Dear Werner Abrajano:

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 January 19, 2011, 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,

Scott Morgan
Director, State Clearinghouse

Enclosures

cc: Resources Agency

**Document Details Report
State Clearinghouse Data Base**

SCH# 2010041056
Project Title Pacific Coast Highway/Del Prado Avenue Phase 1 Street Improvement Project
Lead Agency Dana Point, City of

Type EIR Draft EIR

Description The project area encompasses Pacific Coast Highway (PCH) and Del Prado Avenue in the City of Dana Point, extending from Copper Lantern on the east to Blue Lanterns on the west, within the Dana Point Town Center. The City of Dana Point is proposing the Pacific Coast Highway/Del Prado Avenue Phase I streetscape improvements for the Dana Point Town Center. Implementation of the proposed project will re-establish two-way circulation for both PCH and Del Prado. In addition to the return to two-way operations, the proposed improvements along PCH include traffic signal improvement/modifications, striping, and signing modifications, improved transit stops, and initial traffic and beautification related modifications to the "gateways" at Blue Lantern and Copper Lantern. The traffic signal improvement/modifications include new signals at Ruby Lantern and new intersection between Blue Lantern and Ruby Lantern. In addition, modifications are also proposed at other traffic signals within the project area to accommodate the two-way travel proposed for the two arterials. Other improvement include the incorporation of landscaped medians, street improvements as needed to accommodate bus turnouts and u-turns at designated locations, the modification of certain vehicular access points and the relocation of some on-street parking. Some of these improvements will require acquisition of rights of way for sidewalk easements, to accommodate the refined project design. The curb and gutter of PCH will generally remain in the existing location. A two-lane left-turn pocket will be included on southbound Golden Lantern at Pacific Coast Highway, along with other key signing and striping adjustments to accommodate the change to two way traffic and the associated traffic volumes.

Lead Agency Contact

Name Werner Abrajano
Agency City of Dana Point
Phone (949) 248-3577 **Fax**
email
Address 33282 Street of the Golden Lantern
City Dana Point **State** CA **Zip** 92629

Project Location

County Orange
City Dana Point
Region
Lat / Long 33° 45' 9.2" N / 117° 41' 50" W
Cross Streets Pacific Coast Highway/Del Prado Avenue and Golden Lantern
Parcel No.
Township

	Range	Section	Base

Proximity to:

Highways SR 1
Airports
Railways
Waterways Pacific Ocean
Schools
Land Use Existing Roadways; Existing Zoning: NA; Existing General Plan: NA

Project Issues Air Quality; Noise; Traffic/Circulation; Growth Inducing; Landuse; Cumulative Effects; Other Issues

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 12; Air Resources Board, Transportation Projects; Regional Water Quality Control Board, Region 8; Native American Heritage

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

**Document Details Report
State Clearinghouse Data Base**

Commission; State Lands Commission

Date Received 12/06/2010 *Start of Review* 12/06/2010 *End of Review* 01/19/2011

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



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Will Kempton
Chief Executive Officer

January 17, 2011

City of Dana Point
Attention: Werner Abrajano
33282 Golden Lantern
Dana Point, CA 92629-1805

Subject: Draft Environmental Impact Report for Pacific Coast Highway/Del Prado Avenue Phase 1 Street Improvement Project, SCH No. 2010041056.

Dear Mr. Abrajano

The Orange County Transportation Authority (OCTA) has reviewed the above referenced document. The following comments are provided for your consideration:

- 1 • OCTA prefers that the stops along Pacific Coast Highway remain in close proximity to their existing locations and recommend that corresponding bus stops be placed across from the westbound stops, along the south side of PCH. All bus stops along Del Prado will be removed once two-way traffic is permitted on PCH. In view of this, transit related improvements will not be required on Del Prado.
- 2 • It is recommended that each proposed/existing bus stop on PCH be designed with the following in mind:
 - "Farside" type turnouts should be placed where possible, with 80 foot bus bays.
 - Driveways are not to be placed within the bus bay to ensure passenger safety and to eliminate any potential conflicts between OCTA buses and general traffic.
 - The passenger boarding areas need to be large enough to accommodate the boarding/off-loading of wheelchair passengers from buses equip with either a front door or rear door wheelchair lift.
 - Bus stops should be placed as close as possible to adjacent corners to minimize the potential for jay-walking.
 - Adequate street lighting should be provided at each stop location.
 - Benches and/or shelters should be placed to ensure passenger comfort.
 - Trash receptacles should be placed and maintained on a regular basis.
 - Minimize the number of trees or any other landscaping placed within each bus zone, especially along the curb.
 - Provide pedestrian friendly access to/from any adjacent businesses.
- 3 • Once preliminary plans become available, the Stops and Zones Section will need to review them to ensure that the existing and proposed bus stops are placed in locations that meet the Authority's operational requirements.



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4

- Finally, the mitigation measures outlined in the Traffic Management Plan (TMP) and/or the increase in traffic during construction, may require OCTA to detour buses in and around the project area to maintain schedules. In the event this occurs, OCTA should be compensated for any and all costs associated with detouring routes, administrative staff time, and/or adding additional resources.

If you have any questions or comments, please contact Carolyn Mamaradlo by phone at (714) 560-5748 or by email at cmamaradlo@octa.net.

Sincerely,

Charlie Larwood
Manager, Transportation Planning

c: Bill Batory, OCTA

1. Orange County Transportation Authority (January 17, 2011)

Comment No. 1

OCTA prefers that the stops along Pacific Coast Highway remain in close proximity to their existing locations and recommend that corresponding bus stops be placed across from the westbound stops, along the south side of PCH. All bus stops along Del Prado will be removed once two-way traffic is permitted on PCH. IN view of this, transit related improvements will not be required on Del Prado.

Response to Comment No. 1

As recommended by OCTA, stops along PCH will remain in close proximity to their existing locations and corresponding bus stops will be placed across from the westbound stops along the south side of PCH. All bus stops along Del Prado Avenue will be removed once two-way traffic is permitted on PCH.

Comment No. 2

It is recommended that each proposed/existing bus stop in PCH be designed with the following in mind:

- "Farside" type turnouts should be placed where possible, with 80 foot bus bays.
- Driveways are not to be placed within the bus bay to ensure passenger safety and to eliminate any potential conflicts between OCTA buses and general traffic.
- The passenger boarding areas need to be large enough to accommodate the boarding/off-loading of wheelchair passengers from buses equip with either a front door or rear door wheelchair lift.
- Bus stops should be placed as close as possible to adjacent corners to minimize the potential for jay-walking.
- Adequate street lighting should be provided at each stop location.
- Benches and/or shelters should be placed to ensure passenger comfort.
- Trash receptacles should be placed and maintained on a regular basis.
- Minimize the number of trees or any other landscaping placed within each bus zone, especially along the curb.
- Provide pedestrian friendly access to/from any adjacent businesses.

Response to Comment No. 2

As recommended by OCTA, the City will consider each of the features identified in this comment for incorporation into the proposed/existing bus stop(s) along PCH. Field conditions may affect the City's ability to address all of the recommended items, but every effort will be made to design the proposed street improvements to address the features noted b y OCTA. City staff will coordinate the design with OCTA.

Comment No. 3

Once preliminary plans become available, the Stops and Zones Section will need to review them to ensure that the existing and proposed bus stops are placed in locations that meet the Authority's operational requirements.

Response to Comment No. 3

Preliminary plans for the proposed street improvements will be submitted to OCTA's Stops and Zones Section for review to ensure that the improvements comply with OCTA's operational requirements.

Comment No. 4

Finally, the mitigation measures outlined in the Traffic Management Plan (TMP) and/or the increase in traffic during construction may require OCTA to detour buses in and around the project area to maintain schedules. In the event this occurs, OCTA should be compensated for any and all costs associated with detouring routes, administrative staff time, and/or adding additional resources.

Response to Comment No. 4

The City of Dana Point will work closely with OCTA representatives to ensure that traffic detours necessitated by construction activities avoid conflicts with the OCTA bus schedules/routes to the maximum extent practicable. The City of Dana Point was surprised with the comment asking for reimbursement of costs associated with any staff time OCTA may invest as a result of the construction effort. Routinely, the City works with OCTA Dispatch and field supervisors to temporarily close stops and detour buses during construction work. Those resources are already in place to address any impacts OCTA and the City may have during construction. Therefore, it is the City's belief that no additional resource costs should result or be required.



ORANGE COUNTY FIRE AUTHORITY

P.O. Box 57115, Irvine, CA 92619-7115 • 1 Fire Authority Rd., Irvine, CA 92602

Keith Richter, Fire Chief

(714) 573-6000

RCUD JAN 14 '11

January 11, 2011

City of Dana Point
33282 Golden Lantern St
Dana Point, CA 92629
Attn: Public Works Dept

SUBJECT: PCH/Del Prado Street Improvements Phase 1 DEIR

Dear Sir(s):

This amended response supersedes our response dated January 3, 2011. Thank you for the opportunity to review the subject document. The Orange County Fire Authority (OCFA) provides fire protection and emergency medical services response to the project area. We have the following comments on the proposed project:

- 1 • Removal of preemptive signal controlled intersections and replacing the intersections with stop signs will impact emergency response times. Although emergency response times are impacted, this does not place the OCFA outside of our response criteria. This can be further mitigated by the use of residential, mixed use, and commercial sprinklers in the Town Center development area.
- 2 • Please ensure that the new signal is equipped with a preemptive device as approved by the City and the OCFA

3 In addition, we would like to point out that all standard conditions with regard to development, including water supply, emergency access, road grades and width, access, and the like will be applied to this project. Please contact me at 714-573-6199 if you need further information on this matter.

Sincerely,

Michele Hernandez
Management Analyst
Strategic Services

2. Orange County Fire Authority (January 11, 2011)

Comment No. 1

Removal of preemptive signal controlled intersections and replacing the intersections with stop signs will impact emergency response times. Although emergency response times are impacted, this does not place the OCFA outside of our response criteria. This can be further mitigated by the use of residential, mixed use, and commercial sprinklers in the Town Center development area.

Response to Comment No. 1

Although the comment is made that Project implementation may result in some increased response times by OCFA, the anticipated emergency response times are within OCFA criteria. It should also be recognized that response times in some cases will decrease as well, given that Project implementation of two-way streets allows direct approach to all properties, rather than forcing a circuitous route via one-way streets as required today. In addition, as indicated in this comment, the level of fire protection can be enhanced with incorporation of sprinklers in future residential, mixed use, and commercial structures proposed within the Town Center development area. This recommendation has been included as a condition for future development and/or redevelopment occurring in the Town Center area.

SC-7 Future development occurring within the Town Center development area shall be required to include fire sprinklers.

Comment No. 2

Please ensure that the new signal is equipped with a preemptive device as approved by the City and the OCTA.

Response to Comment No. 2

As recommended by OCFA, a condition has been included in the proposed project to ensure that the new signal is equipped with a preemptive device.

SC-6 The new traffic signal(s) installed by the City for the proposed project shall include a preemptive device as approved by the City and OCFA.

Comment No. 3

In addition, we would like to point out that all standard conditions with regard to development, including water supply, emergency access, road grades and width, access, and the like will be applied to this project. Please contact me at 714-573-6199 if you need further information on this matter.

Response to Comment No. 3

As indicated in this comment, the City acknowledges that the proposed project will comply with all standard conditions with regard to development as required by OCFA.

DEPARTMENT OF TRANSPORTATION

District 12
3337 Michelson Drive, Suite 380
Irvine, CA 92612-8894
Tel: (949) 724-2241
Fax: (949) 724-2592



RCVD DEC 21 '10
Flex your power!
Be energy efficient!

December 14, 2010

Mr. Werner Arbajano
City of Dana Point- Public Works Department
33282 Golden Lantern
Dana Point, CA 92629

File: IGR/CEQA
SCH#: 2010041056
Log #: 2474-D-1
PCH

Subject: Pacific Coast Highway /Del Prado Avenue Phase 1 Street Improvement Project

Dear Mr. Arbajano

Thank you for the opportunity to review and comment on the **Notice of Preparation (NOP) for the Pacific Coast Highway /Del Prado Avenue Phase 1 Street Improvement Project**. The City of Dana Point is proposing the Pacific Coast Highway/Del Prado Avenue Phase 1 Streetscape Improvements for the Dana Point town Center. Implementation of the proposed Project will re-establish two-way circulation for both PCH and Del Prado Avenue.

- 1 | **The Department of Transportation (Department) is a commenting agency** on this project and has no comment at this time. However, in the event of any activity in the Department's right-of-way, an encroachment permit will be required.
- 2 | Please continue to keep us informed of this project and any future developments that could potentially impact State transportation facilities. If you have any questions or need to contact us, please do not hesitate to call Maryam Molavi at (949) 724-2267.

Sincerely,

A handwritten signature in blue ink that reads "Christopher Herre".

Christopher Herre, Branch Chief
Local Development/Intergovernmental Review

C: Terry Roberts, Office of Planning and Research

3. California Department of Transportation (December 14, 2010)

Comment No. 1

The Department of Transportation (Department) is a commenting agency on this project and has no comment at this time. However, in the event of any activity in the Department's right-of-way, an encroachment permit will be required.

Response to Comment No. 1

This comment indicates that the California Department of Transportation is a commenting agency and has no comments. No responses are required.

Comment No. 2

Please continue to keep us informed of this project and any future developments that could potentially impact State transportation facilities. If you have any questions or need to contact us, please do not hesitate to call Maryam Molavi at (949) 724-2267.

Response to Comment No. 2

As requested in this comment, the City of Dana Point will ensure that Caltrans is informed of changes to this project that may potentially affect State transportation facilities.

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
 SACRAMENTO, CA 95814
 (916) 653-6251
 Fax (916) 657-5390
 Web Site www.nahc.ca.gov
 e-mail: ds_nahc@pachell.net



December 27, 2010

Mr. Werner Abrajano

City of Dana Point

33282 Street of the Golden Lantern
 Dana Point, CA 92629

RE: SCH#2010041056; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the Pacific Coast Highway / Del Prado Avenue Phase I Streetscape Improvements Project for the Dana Point Town Center; located in the City of Dana Point; Orange County, California

Dear Mr. Abrajano

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 of several of the Area of Potential Effect (APE). Also, it is important to understand that the absence of archaeological, Native American cultural resources in an area does not indicate that they are not present, or will be present once ground-breaking activity begins. The NAHC recommends early consultation with Native American tribes in your area as the best way to avoid unanticipated discoveries once a project is underway and to learn of any sensitive cultural areas.

Enclosed a list with 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). 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.

3 Furthermore the NAHC recommends that you contact the California Historic Resources Information System (CHRIS) of the Office of Historic Preservation (OHP), for information on recorded archaeological data. This information is available at the OHP Office in Sacramento (916) 445-7000.

4 Consultation with tribes and interested Native American tribes and interested Native American individuals, as consulting parties, on the attached 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, .4 & .5, 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).

5 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.

6 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 the under Section 304 of the NHPA or at the Secretary of the Interior' 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.

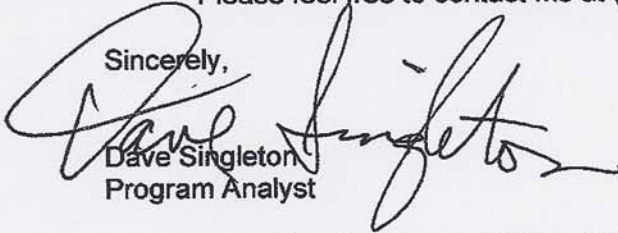
7 CEQA Guidelines, Section 15064.5(d) requires the lead agency to work with the Native Americans identified by this Commission if the initial Study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American, 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 Senate Bill 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

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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.

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
Orange County
December 27, 2010

Juaneno Band of Mission Indians Acjachemen Nation
David Belardes, Chairperson
32161 Avenida Los Amigos Juaneno
San Juan Capistrano CA 92675
(949) 493-4933 - home
chiefdavidbelardes@yahoo.
com
(949) 293-8522

Juaneño Band of Mission Indians
Sonia Johnston, Tribal Chairperson
P.O. Box 25628 Juaneno
Santa Ana , CA 92799
sonia.johnston@sbcglobal.
net
(714) 323-8312

Juaneno Band of Mission Indians Acjachemen Nation
Anthony Rivera, Chairman
31411-A La Matanza Street Juaneno
San Juan Capistrano CA 92675-2674
arivera@juaneno.com
(949) 488-3484

Juaneno Band of Mission Indians
Anita Espinoza
1740 Concerto Drive Juaneno
Anaheim , CA 92807
(714) 779-8832

(530) 354-5876 - cell

Juaneno Band of Mission Indians
Alfred Cruz, Cultural Resources Coordinator
P.O. Box 25628 Juaneno
Santa Ana , CA 92799
alfredgacruz@sbcglobal.net
714-998-0721
714-998-0721 - FAX
714-321-1944 - cell

United Coalition to Protect Panhe (UCPP)
Rebecca Robles
119 Avenida San Fernando Juaneno
San Clemente CA 92672
rebrobles1@gmail.com
(949) 573-3138

Juaneno Band of Mission Indians
Adolph 'Bud' Sepulveda, Vice Chairperson
P.O. Box 25828 Juaneno
Santa Ana , CA 92799
bssepul@yahoo.net
714-838-3270
714-914-1812 - CELL
bsepul@yahoo.net

Juaneno Band of Mission Indians Acjachemen Nation
Joyce Perry; Representing Tribal Chairperson
4955 Paseo Segovia Juaneno
Irvine , CA 92612
949-293-8522

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#2010041056; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the Pacific Coast Highway / Del Prado Avenue Phase I Street Improvements Project; located in the City of Dana Point; Orange County, California.

4. Native American Heritage Commission (December 27, 2010)

Comment No. 1

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.

Response to Comment No. 1

As indicated in Section 5 (Cultural/Scientific Resources) of the Initial Study (refer to pp. 25 and 26), the PCH and Del Prado rights-of-way that would be affected by the project have been extensively altered as a result of the construction of the existing street improvements and development located along those streets. Any archaeological resources that may have existed at one time have likely been unearthed or disturbed as a result of prior landform alteration necessary to construct PCH, Del Prado, and adjacent land uses. Although improvements to both PCH and Del Prado will be implemented as a result of the proposed project, no significant excavation and/or grading activities are anticipated that would affect areas that have not previously been altered by grading and/or development. As a result, no significant impacts to archaeological/cultural resources would occur and no mitigation measures are required.

Comment No. 2

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 of several of the Area of Potential Effect (APE). Also it is important to understand that the absence of archaeological, Native American Cultural Resources in an area does not indicate that they are not present, or will be present once ground-breaking activity begins. The NAHC recommends early consultation with Native American tribes in your area as the best way to avoid unanticipated discoveries once a project is underway and to learn of any sensitive cultural areas.

Enclosed is a list with 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). 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.

Response to Comment No. 2

As indicated in this comment, no Native American cultural resources were identified based on the Sacred Lands File search conducted by the NAHC. Although several resources were identified within a one-half

mile radius of the subject Area of Potential Effect (APE), no grading/landform alteration or other construction activities would occur outside the affected street rights-of-way that would directly or indirectly affect cultural resources outside of the APE. Nonetheless, should it be necessary to undertake consultation, the City will initiate such consultation with the "consulting parties" identified by the NAHC.

Comment No. 3

Furthermore, the NAHC recommends that you contact the California Historic Resources Information System (CHRIS) of the Office of Historic Preservation (OHP), for information on recorded archaeological data. This information is available at the OHP Office in Sacramento (916) 445-7000.

Response to Comment No. 3

As indicated in Response to Comment No. 1, no potential adverse impacts to cultural resources are anticipated.

Comment No. 4

Consultation with tribes and interested Native American tribes and interested Native American individuals, as consulting parties, on the attached 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, .4 & .5, the President's Council on Environmental Quality (CEQ; 42 U.S.C. 4371 et seq.) and NATGPRA (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).

Response to Comment No. 4

Refer to Response to Comment No. 2.

Comment No. 5

Lea 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 archaeological 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.

Response to Comment No. 5

The City will be required to comply with Health and Safety Code Section 7050.5 and Public Resources Code Section 15064.5(f) and 5097.98 in the event human remains are encountered during construction activities associated with the street improvements.

Comment No. 6

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 AOE and possibly threatened by proposed project activity.

Response to Comment No. 6

This comment discusses the confidentiality of the cultural resources/historic properties. No response is necessary.

Comment No. 7

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 Americans, 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 Senate Bill 1059 the state enabling legislation to the Federal Energy Policy Act of 2006, 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.

Response to Comment No. 7

As indicated in Response to Comment No. 2, if the City of Dana Point would consult with the Native American representatives, if determined necessary. In addition, the project must also comply with current state and federal laws regarding the treatment of human remains, if encountered.

Comment No. 8

Health and Safety Code §7050.5, Public Resources Coded §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.

Response to Comment No. 8

Refer to Response to Comment No. 5.

Terry Goller
33112 Elisa Dr.
Dana Pt. Ca., 92629
949-493-5891

Alexander Lake
1807 Laurel Road
Oceanside, Ca., 92054
760-757-0055

January 14, 2011

City of Dana Point
Attention: Werner Abrajano
33282 Golden Lantern #203

Dear City:

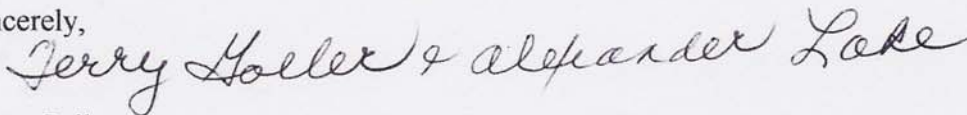
1 | Years ago, Alex Lake and the Dana Point Citizens for Action worked with the Smythe Brothers on the development of the Bluff Properties including the Dana Point Resort Which is now the Laguna Cliffs Marriott. They also hired a land developer in Sausalito to assist with the bluff plans including input from the community as to what Was desired. Because of these plans we now are enjoying Lantern Bay and Heritage Park plus a beautiful low key hotel. Alex Lake was instrumental in helping to solve the coastal traffic with the one way couplet which has never experienced the traffic problems that continue to plague Laguna Beach and Corona Del Mar. Also, worked on bluff Fortifications helping to prevent landslides which could reoccur at any time.

2 | We can continue to have good flowing traffic through Dana Point with the following Modifications without changing the couplet.

1. configure diagonal parking along Del Prado
2. widen the sidewalks
3. reroute the bike path to Santa Clara (helping to assist the diagonal parking)
4. install bump outs like in San Clemente with flowers and plants
5. reintroduce the forgotten lanterns every 30-40 feet

3 | We should not fund any outside group to tear down and redesign Dana Point when we Have all the answers needed to keep Dana Point unique, flowing and beautiful

Sincerely,



Terry Goller
Alexander Lake

Coyle Staff ; Mr. Warner

This is a recommendation from Alex Yak favoring two way traffic on both Hill Prado & Coast Hwy. The bike path on Hill Prado would be relocated to Santa Clara.

I sent an earlier letter that was incorrect on Alex's views. He does want the 2 way on both. He helped plan & design the Bluff Parks & low key hotels.
Thanks, Terry Geller 493-5891



5. Terry Goller/Alexander Lake (January 14, 2011)

Comment No. 1

Years ago, Alex Lake and the Dana Point Citizens for Action worked with the Smythe Brothers on the development of the Bluff Properties including the Dana Point Resort which is now the Laguna Cliffs Marriott. They also hired a land developer in Sausalito to assist with the bluff plans including input from the community as to what was desired. Because of these plans we now are enjoying Lantern Bay and Heritage Park plus a beautiful low key hotel. Alex Lake was instrumental in helping to solve the coastal traffic with the one way couplet which has never experienced the traffic problems that continue to plague Laguna Beach and Corona Del Mar. Also, worked on bluff fortifications helping to prevent landslides which could recur at any time.

Response to Comment No. 1

This comment provides information related to the creation of the one-way couplet system that currently exists along PCH and Del Prado Avenue. The drafters suggest modifications to existing streets without changing the couplet. These issues were thoroughly vetted over 18 months of public meetings through the Town Center Subcommittee. The Subcommittee included members of the community and recommended changing the couplet to the City Council, resulting in the proposed Project. Three of the five recommendations (i.e., 2, 4, and 5) are included in the Project scope. However, diagonal parking was considered less desirable than parallel parking for both safety and traffic congestion concerns identified by the City Traffic Engineer and the public.

No significant issues related to the Draft EIR are raised in this comment; no response is necessary.

Comment No. 2

We can continue to have good flowing traffic through Dana Point with the following modifications without changing the couplet.

1. configure diagonal parking along Del Prado
2. widen the sidewalks
3. reroute the bike path to Santa Clara (helping to assist the diagonal parking)
4. install bump outs like in San Clemente with flowers and plants
5. reintroduce the forgotten lanterns every 30-40 feet

Response to Comment No. 2

This comment recommends modifications to the existing one-way couplet system to improve traffic flow. The drafters suggest modifications to existing streets without changing the couplet. These issues were thoroughly vetted over 18 months of public meetings through the Town Center Subcommittee. The Subcommittee included members of the community and recommended changing the couplet to the City Council, resulting in the proposed Project. Three of the five recommendations (i.e., 2, 4, and 5) are included in the Project scope. However, diagonal parking was considered less desirable than parallel parking for both safety and traffic congestion concerns identified by the City Traffic Engineer and the public.

No significant issues or concerns related to the Draft EIR are raised in this comment; no response is necessary.

Comment No. 3

We should not fund any outside group to tear down and redesign Dana Point when we have all the answers needed to keep Dana Point unique, flowing and beautiful.

Response to Comment No. 3

This comment represents the opinion of the commenters; no response is necessary.

-----Original Message-----

From: wvia@netzero.net [mailto:wvia@netzero.net]

Sent: Friday, January 14, 2011 2:28 PM

To: WERNER ABRAJANO

Subject: PCH and Del Prado plans

Dear Werner Abrajano

1 | I think that we need to proceed with the plan to make PCH and Del Prado two way streets as soon as we possibly can. Contractors are hurting for work at the present time, and the \$19.1 million dollars will go alot farther in this economy. Dana Point might even have money left over to make more improvements to our "Downtown" area.

| We need to be ahead of the curve in revitalization, not chasing to catch up.

Thank You

Wayne Via

25165 Via Elevado

Dana Point, 92629

6. Wayne Via (January 14, 2011)

Comment No. 1

I think that we need to proceed with the plan to make PCH and Del Prado two way streets as soon as we possibly can. Contractors are hurting for work at the present time and the \$19.1 million dollars will go a lot farther in this economy. Dana Point might even have money left over to make more improvements to our "Downtown" area. We need to be ahead of the curve in revitalization, not chasing to catch up.

Response to Comment No. 1

This comment expresses support for the proposed project. No environmental issues are raised; no response is necessary.



**NOTICE OF AVAILABILITY
DRAFT ENVIRONMENTAL IMPACT REPORT**

Date: December 1, 2010
Subject: Notice of Availability of a Draft Environmental Impact Report
Project Title: Pacific Coast Highway/Del Prado Avenue Phase I Street Improvement Project, SCH No. 2010041056
Applicant: City of Dana Point

The City of Dana Point has completed the preparation of a Draft Environmental Impact Report (DEIR) for the project identified above and described below. The Draft EIR has been prepared in accordance with the California Environmental Quality Act of 1970 (CEQA), as amended (Public Resources Code Section 21000 et seq.), and the State CEQA Guidelines for Implementation of CEQA (California Code of Regulations, Title 14, Section 15000 et seq.).

Potentially significant environmental effects evaluated in the DEIR include:

- Land Use and Planning
- Traffic and Circulation
- Air Quality
- Climate Change/Greenhouse Gas Emissions
- Noise

The City encourages public agencies, service providers, and members of the general public to review and comment on this document. Copies of the DEIR and supporting documents are available for public review and inspection at the following location.

City of Dana Point
Public Works Department
33282 Golden Lantern
Dana Point, CA 92629
(949) 248-3500

The Draft EIR is also available for review on the City's website at: www.danapoint.org (City News/City News and Updates/Town Center). Comments on the Draft EIR will be accepted by the City between December 3, 2010 and January 17, 2011. Should you have any questions regarding the project or Notice of Availability, please call Mr. Werner Abrajano in the Public Works Department at (949) 248-3577.

Project Location

The project area encompasses Pacific Coast Highway and Del Prado Avenue in the City of Dana Point, extending from Copper Lantern on the east to Blue Lantern on the west, within the Dana Point Town Center. At the present time, Pacific Coast Highway and Del Prado Avenue between Copper Lantern and Blue Lantern are improved with three thru lanes, generally within an 80-foot right-of-way. Land uses along Pacific Coast Highway and Del Prado between Copper Lantern and Blue Lantern include tourist-related retail, commercial uses, and residential. The roadway segments that are the subject of this analysis are currently characterized by moderate traffic volumes with little congestion.

Project Description

The City of Dana Point is proposing the Pacific Coast Highway/ Del Prado Avenue Phase I streetscape improvements for the Dana Point Town Center. ~~The Dana Point Town Center Plan was adopted by the City in 2006 to encourage the revitalization of the Dana Point Town Center, which extends over approximately a one-mile area along Pacific Coast Highway (PCH) and Del Prado. Between these two streets, PCH and Del Prado currently form a one-way "couplet" to accommodate east-west vehicular travel through the urban core of the City. This project provides the public right-of-way improvements, consistent with the Town Center Plan approved by the City and the California Coastal Commission. The PCH/Del Prado Phase I Streetscape Improvement project is the initial project for ultimate street improvements identified in the approved Town Center Plan for these Circulation Element roadways. Implementation of the proposed project will re-establish two-way circulation for both PCH and Del Prado. In addition to the return to two-way operations, the proposed improvements along PCH include traffic signal improvements/modifications, striping, and signing modifications, improved transit stops, and initial traffic and beautification related modifications to the "gateways" at Blue Lantern and Copper Lantern. The traffic signal improvements/modifications include new signals at Ruby Lantern and a new intersection between Blue Lantern and Ruby Lantern. In addition, modifications are also proposed at other traffic signals within the project area to accommodate the two-way travel proposed for the two arterials. Other improvements include the incorporation of landscaped medians, street improvements as needed to accommodate bus turnouts and u-turns at designated locations, the modification of certain vehicular access points and the relocation of some on-street parking. Some of these improvements will require acquisition of rights of way for sidewalk easements and parking, to accommodate the refined project design. The curb and gutter of PCH will generally remain in the existing location. A two-lane left-turn pocket will be included on southbound Golden Lantern at Pacific Coast Highway, along with other key signing and striping adjustments to accommodate the change to two way traffic and the associated traffic volumes.~~

The improvements proposed for Del Prado also include the return of two-way operations, along with, additional on-street parking, streetscape beautification, and "gateway" improvements, one of which will also include right-of-way easement acquisition. Other general improvements include the incorporation of water quality and air quality enhancements with significant additional landscaped pervious areas, reduced lighting energy consumption, reduced long-term noise levels with reduced traffic speeds, landscaped medians, parkway landscaping, installation of new trees, protection of existing trees where possible, street light improvements, signage and banner poles, drainage and water quality enhancements, sidewalk enhancements, minor wall and retaining wall construction, pavement resurfacing, new curb and gutter, the modification of certain vehicular access points including relocation or closure of certain drive entries, and other miscellaneous improvements. Three existing traffic signals will be replaced with 4-way stop signs. The design is intended to enhance the pedestrian experience by widening sidewalks while improving on-street parking between Blue Lantern and Golden Lantern.

The design concepts of the plan call for rebalancing through-movement with public access, "calming" traffic, enhancing the pedestrian environment, and making the Town Center more readily accessible and navigable to residents and visitors to the area. Beyond the circulation and streetscape concept proposed by the City, the plan also includes improvements that are intended to enhance the use of existing businesses, strengthen the economic viability of the Town Center, and identify the Town Center as the hub of the community, consistent with the recommendations previously approved in the Town Center Plan. This will create a more vital and vibrant atmosphere in the Town Center.

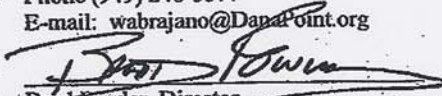
Project implementation will necessitate the approval of the following legislative and discretionary actions by the City's Planning Commission and City Council:

- Acquisition of rights-of-way
- Preparation of project construction drawings and approval of contracts for same
- Bidding and awarding of project construction contract
- Coastal Development Permit

Implementation of the proposed improvements is anticipated to begin in late 2011 and extend into 2012; however, implementation is dependent on several factors, including the availability of funding and prevailing economic conditions.

All comments to this notice must be submitted in writing to the following address or by email, as indicated below, by January 17, 2011:

City of Dana Point
Attention: Werner Abrajano
33282 Golden Lantern
Dana Point, CA 92629-1805
Phone (949) 248-3577
E-mail: wabrajan@DanaPoint.org


Brad Fowler, Director
Public Works and Engineering Services Department

12-2-10
Date

12/8/10

To Mr. Abrajano &
Mr. Fowler

1 I HAVE READ this notice. What is
THE ESTIMATED cost to do this
MASSIVE improvements.

Jim Webb



Ms. James P. Webb
34151 La Serena Dr Apt A
Dana Point, CA 92629

7. James Webb (December 8, 2010)

Comment No. 1

I have read this notice. What is the estimated cost to do with this massive improvement?

Response to Comment No. 1

This comment asks how the City would pay for the proposed Project. The Director of Public Works and Engineering Services responded to Mr. Webb directly with the attached response. No environmental issues or concerns related to the Draft EIR are raised in this comment; no additional response is necessary.



December 21, 2010

Mr. James P. Webb
34151 La Serena Drive, Apt A
Dana Point, CA 92629

Subject: Notice of Availability of a Draft Environmental Impact Report
Project Title: Pacific Coast Highway/ Del Prado Avenue Phase 1 Street Improvement Project

Dear Mr. Webb:

Thank you for your written comment to the Notice of Availability of a Draft Environmental Impact Report for the above noted project. In response to your inquiry, the estimated cost for this project is eighteen million dollars. The City of Dana Point is not proceeding with construction of the project at this time given the state of the economy. However, when the economy improves sufficiently, and the expected tax revenue increase from the businesses and property owners would essentially pay for the debt service cost of the project, it will likely then be reconsidered for construction funding.

If you have any further questions please do not hesitate to contact Werner Abrajano at (949) 248-3577, or by email at wabrajano@danapoint.org.

Sincerely,

Brad Fowler
Director of Public Works and Engineering Services Department

cc: Keeton K. Kreitzer, Keeton Kreitzer Consulting