

CHAPTER 5

COMMENTS AND COORDINATION

5.1 INTRODUCTION

Early and continuing coordination with the appropriate public agencies and the general public is an essential part of the environmental process to determine the scope of environmental documentation, the level of analysis, potential impacts and mitigation measures, and related environmental requirements. Agency consultation and public participation for this project have been accomplished through a variety of formal and informal methods, including project development team meetings, interagency coordination meetings, Native American coordination, community group, planning group and sponsor group presentations, and the public scoping meeting. This chapter summarizes the results of Caltrans' efforts to fully identify, address, and resolve project-related issues through early and continuing coordination. Evidence of coordination and public involvement can be seen in the figures at the end of this chapter.

5.2 PUBLIC SCOPING PROCESS

Notice of Intent/Notice of Preparation

Pursuant to the National Environmental Policy Act (NEPA) and California Environmental Quality Act (CEQA), a Notice of Intent (NOI) and Notice of Preparation (NOP) were prepared for the project. The NOI was published in the Federal Register on May 19, 1999. The NOP was issued by the State Clearinghouse on June 3, 1999, and the review was completed on July 2, 1999. On November 14, 2005, the NOI and NOP were republished due to the length of time that had passed since original publication and to update the project information within the NOI and NOP (Figures 5.2-1 and 5.2-2.).

The U.S. Fish and Wildlife Service (USFWS), Army Corps of Engineers (ACOE), and the U.S. EPA (EPA) submitted comments on the 1999 NOI, but none were received on the 2005 NOI.

The following agencies submitted comments on the NOP:

- The Native American Heritage Commission – Comments were in regard to cultural resources within the Area of Potential Effects (APE), specifically Native American cultural resources. The Commission asked that a sacred lands search be conducted; that a mitigation plan be prepared for the accidental discovery of cultural resources; and that avoidance be considered if significant cultural resources are discovered during project activities. *Chapter 3, Section 3.12 Cultural Resources, discusses the preparation of the various reports and includes coordination with local Native American tribes and lists avoidance and mitigation measures.*
- North County Fire Protection District – Comments were in regard to access to businesses and residences for emergency services during detours and other project activities so as not to

increase response times. *As discussed in Chapter 3, Section 3.10 Traffic & Transportation/Pedestrian and Bicycle Facilities, access to businesses and residences would be maintained, however, proposed frontage roads may realign some direct access points from State Route 76 (SR-76).*

- North County Transit District (NCTD) – Requested that future and existing bus stop locations be designed by Caltrans and provide bus turnouts, benches/shelters, trash cans, and solar lights, and be wheelchair-accessible. The letter also requested that Caltrans accommodate nonmotorized travel, provide transit signal priority, and plan for the placement and design of two future schools near SR-76 and Melrose Drive. *As discussed in Chapter 3, Section 3.10 Traffic & Transportation/Pedestrian and Bicycle Facilities, sidewalks, pedestrian access and ADA-compliant ramps would be provided at all designated crossing locations and sidewalks would be provided between Olive Hill Road and South Mission Road. Caltrans would replace existing bus stops in-kind. Any improvements to existing facilities, and construction of additional facilities would be incorporated as additional project features at NCTD's expense. Coordination with NCTD on these issues would continue throughout the project development.*
- The San Diego County Archaeological Society, Inc. – The response letter requested to be kept on the project mailing list and to receive a copy of the Draft Environmental Impact Report/Draft Environmental Impact Statement (DEIR/DEIS). *The Society is included on the project mailing list and received a copy of the DEIR/DEIS.*
- The Pechanga Cultural Resources, Temecula Band of Luiseño Mission Indians – Comments were in regard to receiving copies of archeological studies, reports, site records, testing plans, and proposed mitigation measures. A tribal monitor was also requested to be present during ground-disturbing activities; that a “most likely descendant” be named and the coroner be contacted in the event that human remains are encountered during project activities; and that sacred sites be avoided and preserved. Chapter 3, Section 3.12 Cultural Resources, discusses the preparation of the various reports and includes coordination with local Native American tribes and lists avoidance and mitigation measures. *Based on coordination, specific responses to comments on the NOI and NOP are included as Figure 5.2-4.*
- San Diego Gas and Electric (SDG&E) – Comments were in regard to potential impacts and access to an existing gas line crossing SR-76 and a valve station within the project area. It was requested that the gas line be left in place and access be maintained to the valve station. *As discussed in Chapter 3, Section 3.9 Utilities/Emergency Services, the gas line would not require relocation and access to the valve station would be maintained. Coordination with SDG&E would continue throughout project development.*
- The Fallbrook Community Planning Group – The comment letter expressed a preference for a southern alternative that would connect Interstate 5 (I-5) to Interstate 15 (I-15) with a new intersection at SR-76 and I-15, south of the existing intersection. The intent of this alternative would be to remove traffic through Bonsall and Fallbrook that is currently

impacted by traffic signals. *Alternatives, both proposed and rejected, are discussed in Chapter 2, Project Alternatives.*

- The County of San Diego Department of Public Works – Comments were in regard to consistency with the draft San Luis Rey River Park Master Park Plan, which the County recently prepared. The County requests that safe access to existing informal trails and County Park facilities be evaluated. Other comments were in regard to the Draft North County Multiple Species Conservation Program (NCMSCP), currently being developed in conjunction with Wildlife Agencies. The County requested that biological impacts from the proposed project be incorporated into the NCMSCP, that potential impacts to water quality be minimized and avoided where possible, and native plants be used for landscaping on the river side of SR-76. Also expressed was a preference for the alternative causing the lowest level of biological impact. Other comments pertained to traffic, signage, access for homes and businesses, and other related design features. *Proposed park sites and access are discussed in Section 3.3 Parks and Recreational Facilities, and in Appendix A, Resources Evaluated Relative to the Requirements of Section 4(f). Chapter 3, Section 3.20, discloses the impacts to biological resources and discusses mitigation measures. Chapter 3, Section 3.14, Water Quality and Storm Water Runoff, discusses measures to minimize and avoid impacts to water quality. Chapter 2, Project Alternatives, discusses the design features for the proposed alternatives.*
- The Department of Toxic Substances Control – Comments were in regard to current or historic uses within the project area. They advised that a database search be performed regarding contaminated sites within the project area; identify a mechanism for remediation at sites that may be contaminated or if a release has occurred; and that the project implement health and safety procedures. *Chapter 3, Section 3.17 Hazardous Waste/Materials, discusses the sites or parcels that may contain hazardous materials and discusses types of disposal or cleanup that may be required. A Health and Safety Plan would also be required while working to clean up impacted soils.*
- The Rancho Monserate Country Club Board of Directors – Comments were in regard to the southern alignment and the concern that it would impact the property values, lifestyle, and well-being of the residents of their neighborhood. *Chapter 3, Section 3.6, discusses community character and cohesion and community impacts under both alignment alternatives. Chapter 3, Section 3.7, discusses relocation impacts under both alignment alternatives.*

Public Scoping Meeting

A Public Scoping Meeting was held on October 18, 2006, from 5:00 p.m. to 8:00 p.m. to give the community an opportunity to review and comment on the proposed SR-76 project. The meeting was conducted in an “open house” format. Caltrans, the San Diego Association of Governments (SANDAG), and the County of San Diego were in attendance to answer questions regarding project activities, studies, and schedule. Notices were e-mailed to the resource agencies and

mailed to politicians and the public. The Notice of Public Meeting was published in the North County Times and the Fallbrook Village Voice newspapers in English, and the Hispanos Unidos newspaper in Spanish. A Spanish interpreter was present to translate for Spanish-speaking attendees. The Public Scoping Meeting was well attended with approximately 150 attendees signing in. Comments were encouraged at the meeting and attendees supplied 27 written comments on Comment Sheets and 22 oral comments using the stenographer. Caltrans also accepted comments that were supplied via mail after the meeting.

Comments expressed at the Public Scoping Meeting include:

- The preference for either the Existing or Southern Alignment Alternative. *Both of these proposed alternatives and the No Build Alternative are discussed in Chapter 2 and the various impacts are discussed throughout the FEIR/FEIS.*
- The desire for the project to be constructed sooner rather than later. *Chapter 1, Section 1.3, discusses the project need. Chapter 1, Section 1.4, provides the project background.*
- Requesting a six-lane facility to be built, not a four-lane facility. *Chapter 2, and Chapter 3, Section 3.10 Traffic & Transportation/Pedestrian and Bicycle Facilities, discusses impacts for building a four-lane facility with right-of-way and grading for channelization in various locations, and to provide providing for future widening an ultimate six-lane facility, should traffic forecasts beyond year 2030 identify such a need.*
- Maintaining access to businesses along SR-76 during construction activities. *Chapter 3, Section 3.10 Traffic & Transportation/Pedestrian and Bicycle Facilities, discusses how during construction activities, at least one lane of travel would be maintained.*
- Requests to straighten curves to improve safety and reduce fatal accidents on SR-76. *Chapter 3, Section 3.10 Traffic & Transportation/Pedestrian and Bicycle Facilities, discusses how the proposed widening and realigning would improve the traffic, and the channelization lanes at intersections would improve operations.*
- Requesting information regarding improvements to SR-76 beyond South Mission Road to I-15. *The SR-76 South Mission Road to I-15 project is currently in the early project development stages, with environmental surveys and studies in progress.*
- Requesting development of alternative transportation systems, including bike lanes. *Chapter 3, Section 3.10 Traffic & Transportation/Pedestrian and Bicycle Facilities, discusses how the proposed SR-76 project would construct roadway shoulders that accommodate bicyclists and pedestrians.*
- Concerns regarding conservation and preservation of habitats near the San Luis Rey River. *Chapter 1, Purpose and Need, discusses protecting and/or enhancing the human and natural environment along the SR-76 corridor as a major project objective.*
- Requests to avoid all Native American cultural resources along the San Luis Rey River, which is considered a “cultural corridor” by local Native Americans. *Consultation and*

coordination was accomplished with local Native American representatives as discussed in Chapter 3, Section 3.12 Cultural Resources.

- Comments regarding access to trails in the riverbed for hiking and equestrian uses after construction of SR-76. *There is an existing informal “network” of trails within the river corridor and some may require relocation in coordination with the County of San Diego during development of their San Luis Rey River Park Master Plan and trail network as discussed in Chapter 3, Section 3.3 Park and Recreation Facilities.*

Additional Project Outreach

Since 2001, the SR-76 Caltrans Project Management has attended meetings and given presentations to local Community Sponsor and Planning Groups, Homeowners Associations, Chambers of Commerce, City Council meetings, and local politician sponsored meetings in an effort to update interested parties and the public on the status of the project (see Table 5.2-1 below).

**Table 5.2-1
Project Public Outreach**

September 13, 2001	Bonsall Area for Rural Community (BARC) public meeting
March 2002	Bonsall Sponsor Group
June 2002	Jeffries Ranch Homeowners Association
January 2003	Bonsall Sponsor Group
June 2003	Jeffries Ranch Homeowners Association
November 20, 2003	Lightfoot Planning Group community meeting
March 18, 2004	Jeffries Ranch – community-hosted meeting
April 7, 2004	Oceanside City Council presentation
April 20, 2004	Oceanside Transportation Commission presentation
June 2, 2004	County of San Diego public meeting in Bonsall (combination County Park and highway meeting)
June 22, 2004	North County Transit District regarding rural bus routes
November 2, 2004	Bonsall Sponsor Group
November 9, 2004	County-hosted meeting in Bonsall
January 20, 2005	County-hosted meeting in Bonsall
January 28, 2005	Senator Morrow and Bonsall representatives meeting
April 8, 2005	Public meeting hosted by “Fix 76 Now.com” in Fallbrook attended by SANDAG, Caltrans and Congressman Issa.
August 4, 2005	Vista Chamber of Commerce presentation
August 15, 2005	Meeting with Congressman Issa and NEPA agencies
January 3, 2006	Bonsall Sponsor Group
October 18, 2006	SR-76 Melrose to Mission Public Scoping Meeting
January 30, 2007	Value Analysis Charette with Bonsall community leaders

5.3 SAFETEA-LU 6002 PUBLIC INVOLVEMENT AND COORDINATION PLAN

On August 10, 2005, President Bush signed into law the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). SAFETEA-LU promotes more efficient and effective federal surface transportation programs by focusing on transportation issues of national significance, while giving state and local transportation decision makers more flexibility for solving transportation problems in their communities. Section 6002 of SAFETEA-LU established a new environmental review process that included a Coordination Plan, which requires Caltrans to enhance opportunities for coordination with federal, state, tribal, and local government agencies as well as the public during the environmental review process for the project. As part of the Coordination Plan, Caltrans was tasked with managing the 6002 process, preparing the EIS, and providing opportunities for the public, and participating and cooperating agency involvement. Compliance with the latter was accomplished in various fashions, which are discussed below.

Initiation of Agency Participation

Letters were sent on May 18, 2006, to request resource agency participation as a Cooperating agency under NEPA, and/or a Participating agency under Section 6002 of SAFETEA-LU on May 18, 2006. Letters were also sent to request Responsible agency participation under CEQA on May 21, 1999, and again on October 17, 2005. Letters were sent to the following federal, state, and local agencies:

- Cooperating Agencies: ACOE; USFWS, and EPA.
- Participating Agencies: ACOE; EPA; USFWS; Pala Band of Mission Indians; La Jolla Band of Luiseño Indians; Pauma Band of Mission Indians; San Luis Rey Band of Mission Indians; Pechanga Band of Luiseño Indians; Rincon Band of Luiseño Indians; the Soboba Band of Mission Indians; California Department of Fish and Game (CDFG); California Highway Patrol (CHP); California Environmental Protection Agency; California Air Resources Board; State Historic Preservation Officer (SHPO); California Resources Agency; San Diego County Air Pollution Control District; County of San Diego; San Diego County Water Authority; San Diego Regional Water Quality Control Board (RWQCB); SANDAG; NCTD; North County Fire Protection District; SDG&E; North County Fire Protection District; Rainbow Municipal Water District; and the City of Oceanside.
- Responsible Agencies: CDFG, California Water Resources Control Board Region 9, County of San Diego, California Transportation Commission, and the City of Oceanside.

In response to the letters, the ACOE agreed to be a cooperating agency under NEPA. The EPA agreed to be both a cooperating and participating agency. The USFWS, CDFG, RWQCB, County of San Diego, San Diego County Water Authority, North County Fire Protection District, NCTD, and the CHP agreed to be participating agencies.

Opportunities for Involvement

Purpose and Need

Letters were mailed to Participating agencies for review and comments on the project Purpose and Need Statement in August 2007. Comments were received from the following Participating agencies:

- NCTD – Comments reiterated their previous comment letter on the NOP regarding the design of future and existing bus stop locations, the accommodation of nonmotorized travel, providing transit signal priority, and planning for the placement and design of two future schools near SR-76 and Melrose Drive.
- County of San Diego – Comments requested that project objectives include maintaining adequate access to existing residences and businesses along SR-76; ensuring that existing access to businesses is not adversely impacted; and that the corridor serves transit; bicyclists, and pedestrian trails.
- CDFG – Comments acknowledged their responsibility under CEQA, other sections of the Fish and Game Code, and their administrative responsibility under the National Community Conservation Planning Program. The CDFG recognizes the local tax measure TransNet II, which requires the project to have a “net benefit,” and that they are interested in further coordination regarding anticipated impacts and mitigation.

The USFWS provided input into the development of the Purpose and Need via the NEPA/404 Integration process, which is discussed later in this chapter.

Range of Alternatives

Participating agencies were provided the opportunity for input into the identification of the range of alternatives and level of detail required in alternatives analysis via the NOI/NOP, Public Scoping Meeting exhibits and fact sheet, and mass mailed scoping meeting information flyer, and both of the newspaper advertisements included a map and a description of the project’s proposed alternatives.

Identification of a Preferred Alternative

The Existing Alignment Alternative is identified as the Preferred Alternative. All alternatives under consideration have been discussed at an equal level of detail in this FEIR/FEIS. Identifying the Existing Alignment Alternative as the Preferred Alternative makes possible the process of calculating acreages of project impacts and the acquisition of appropriate acreages of mitigation parcels.

5.4 ADDITIONAL CONSULTATION AND COORDINATION WITH PUBLIC AGENCIES

Concurrence on Section 4(f) *De Minimis* Finding

SAFETEA-LU Section 6009(a) amends existing Section 4(f) legislation to allow the U.S. Department of Transportation (USDOT) to determine that certain uses of a Section 4(f) land would have no adverse effect on the protected resource. *De minimis* impacts on publicly owned parks are defined as those that do not adversely affect the activities, features, and attributes that qualify the resource for protection under Section 4(f). When this is the case, and the responsible official with jurisdiction over the resource agrees in writing, a *de minimis* finding can be made.

To comply with Section 6009(a), Caltrans coordinated with the County of San Diego Parks and Recreation, the official agency with jurisdiction over the 4(f) resource, and received concurrence that the proposed project's use of the 4(f) resource constitutes a *de minimis* finding (Figure 5.4-1). Please refer to Chapter 3, Section 3.3 for details.

State Historic Preservation Officer Coordination

Caltrans and FHWA initiated consultation with the SHPO, on January 30, 2007 (Figure 5.4-2), submitted under the stipulations of the Section 106 Programmatic Agreement, which became effective on January 1, 2004. A second letter identifying Section 106 findings was sent March 26, 2007 (Figure 5.4-4). Coordination with the SHPO is submitted to determine the APE; identify potential historic properties within the APE, and evaluate identified resources for eligibility for the National Register of Historic Places (NRHP). Additional coordination with the SHPO took place on October 23, 2008, when they were sent the Section 106 findings for the biological mitigation parcels. Because of the nature of the findings, a response from the SHPO is not required.

Native American coordination regarding cultural resources was initiated by Caltrans in October 2003 and included a search of sacred land files and a tour of the project area. A list of Native American individuals/organizations who may have knowledge of cultural resources in the project area was received from the Native American Heritage Commission on November 15, 2005. Letters were mailed to the following Native American Tribes: La Jolla Band of Mission Indians; Pala Band of Mission Indians; Pauma Band of Mission Indians; Pechanga Band of Mission Indians; Rincon Band of Mission Indians; San Pasqual Band of Mission Indians; Soboba Band of Mission Indians; and the San Luis Rey Band of Luiseño Mission Indians. In some instances, pedestrian surveys were conducted with Native American representatives to define site boundaries, inspect for surface deposits, and determine if subsurface deposits were present. Native American representatives identified features at various sites and their significance, and indicated site boundaries so that avoidance measures or Environmental Sensitive Areas (ESAs) could be delineated to protect those sites. Coordination with the Native American Heritage Commission was accomplished on March 13, 2007 (see Figure 5.4-2). For more information, please see Chapter 3.12 Cultural Resources.

U.S. Fish and Wildlife Consultation on Section 7 of the Federal Endangered Species Act of 1973

Caltrans and FHWA conducted informal consultation with the USFWS, pursuant to Section 7 of the Federal Endangered Species Act (FESA), to assess the potential for federally listed threatened or endangered species within the proposed project study area. The USFWS letter dated September 13, 2006, provides identification and informal resolution of potential species conflicts in the early stages of project planning (Figure 5.4-2). Their letter provides information about listed threatened and endangered species and their critical habitats, which was used to prepare the Biological Assessment, as required by Section 7 of the FESA. A Biological Opinion (FWS-SDG-08B0136-08F0900) was issued by USFWS on October 1, 2008 (Appendix H).

National Marine Fisheries Service Coordination

On April 8, 2008, Caltrans requested a Section 7 consultation with the National Oceanic and Atmospheric Administration Natural Marine Fisheries Service (NMFS) regarding the determination made by Caltrans pertaining to the endangered Southern California steelhead (*Oncorhynchus mykiss*). Caltrans determined that the proposed project would not adversely affect the endangered Southern California steelhead and requested NMFS concurrence with that determination. The project occurs within and adjacent to the San Luis Rey River, which is within the Distinct Population Segment (DPS) of the aforementioned endangered species but is not within designated critical habitat for the species. NMFS reviewed the proposed project plans, the Biological Assessment, and the Natural Environment Study prepared for the project. In addition, a site visit of the study area was conducted on May 8, 2008. After this review, NMFS concurred with Caltrans' determination that no adverse impacts would occur and identified specific reasons for this concurrence in a letter received on May 29, 2008 (Figure 5.4-3).

FHWA Conformity Determination

On May 5, 2008, Caltrans submitted to the FHWA a request for the project-level conformity determination for the SR-76 Melrose Drive to South Mission Road Project pursuant to 23 USC 327(a)(2)(B)(ii)(1). The project is in an area that is designated nonattainment or maintenance for 8-hour ozone and carbon monoxide (CO). The project-level conformity analysis submitted by Caltrans indicated that the project-level transportation conformity requirements of 40 CFR Part 93 had been met. The project is included in SANDAG's currently conforming *2030 RTP (2007 update)* and the *2006 RTIP*. As required by 40 CFR 93.116 and 93.123, the localized CO analyses were included in the documentation. The analyses demonstrated that the project would not create any new violation of the standards or increase the severity or number of existing violations. FHWA found that the Conformity Determination for the SR-76 Melrose Drive to South Mission Road Project conforms to the State Implementation Plan (SIP) in accordance with 40 CFR Part 93. This letter is included in this document as Appendix I.

NEPA 404 MOU Integration Process

On December 27, 1993, Caltrans signed an interagency Memorandum of Understanding (MOU) committing to integrate NEPA and Section 404 of the Clean Water Act (CWA) in transportation planning, programming, and implementation stages for federal aid surface transportation projects requiring an Individual Permit under Section 404. The consolidation of these processes provides for more timely decision making while improving the over all quality of those decisions.

The project is following the guidance in the MOU between Caltrans, FHWA, and federal resource and regulatory agencies. The MOU process comprises three checkpoints: (1) Purpose and Need Statement; (2) Identification of the range of alternatives and consideration of the criteria used to select and analyze the range of alternatives to be studied in the FEIR/FEIS; and (3) Preliminary Least Environmentally Damaging Practicable Alternative (LEDPA) Determination and Conceptual Mitigation Plan.

In September 2005, Caltrans began coordination efforts with the federal resource and regulatory agencies, including the ACOE, USFWS, EPA, and FHWA, along with CDFG and the RWQCB to implement the MOU. Letters concurring on the project Purpose and Need, Screening Criteria, and the Range of Alternatives under study were received from EPA, ACOE, and USFWS (Figures 5.4-3 to 5.4-13). Table 5.4-1 below provides a list of NEPA/404 meetings and participating agencies held during the project development process.

**Table 5.4-1
NEPA/404 Meetings**

Date	Topic(s)	Participating Agencies
09/13/05	Kick-off meeting	Caltrans, SANDAG, USFWS, EPA, RWQCB, FHWA, ACOE, County MSCP
09/29/05	Purpose & Need	Caltrans, USFWS, EPA, ACOE, SANDAG
11/15/05	Purpose & Need	Caltrans, CDFG, County MSCP, USFWS, EPA, ACOE, SANDAG
11/05	Received letters of concurrence on Purpose & Need	USFWS, EPA, ACOE
01/19/06	Screening Criteria	Caltrans, CDFG, EPA, FHWA, County Parks, SANDAG, County MSCP
03/30/06	Screening Criteria, Range of Alternatives	Caltrans, CDFG, County MSCP, EPA, FHWA, County Parks, RWQCB, USFWS, SANDAG
05/06	Received letters of concurrence on Screening Criteria	USFWS, EPA, ACOE
06/06/06	Alternatives selection	Caltrans, CDFG, ACOE, EPA, EDAW, County Parks, LLG Engineering, County MSCP, RWQCB, USFWS, SANDAG, FHWA
08/01/06	Alternatives selection, advanced mitigation	Caltrans, County Public Works, CDFG, ACOE, EPA, County Parks, County MSCP, RWQCB, USFWS, FHWA

Date	Topic(s)	Participating Agencies
10/26/06	Alternatives selection, advanced mitigation	Caltrans, CDFG, County MSCP, ACOE, County Public Works, EPA, County Parks, EDAW, RWQCB, USFWS, EDAW
12/06/06	Alternatives selection, advanced mitigation	Caltrans, County MSCP, ACOE, EPA, FHWA, EDAW, County Parks, USFWS, EDAW
01/07	Letters of concurrence on alternatives to be studied	USFWS, EPA, ACOE

Letters requesting resource/regulatory agency concurrence on the project's Purpose and Need Statement were mailed on November 1, 2005, to the Cooperating agencies, including the ACOE, USFWS, and EPA. Caltrans received the following comments regarding the Purpose and Need Statement:

- The ACOE's response letter of November 17, 2005, concurred on the Purpose and Need and stated that the project would result in the discharge of fill material into jurisdictional waters of the U.S., thereby requiring ACOE's authorization as promulgated by Section 404 of the CWA. They discuss their participation in the NEPA 404 MOU Integration process meetings and concur with the overall purpose statement and the regulatory need for their alternatives analysis (Figure 5.4-6). The ACOE letter dated October 15, 2008, and the EPA letter, dated October 14, 2008, concurred with the LEDPA, as discussed in Appendix F (Figure 5.4-16).

The EPA's response letter of November 28, 2005, concurred on the Purpose and Need Statement and also discussed the San Luis Rey River restoration efforts, other widening projects along SR-76, and the cumulative impacts analysis. The EPA was pleased that Caltrans would seek to not impede restoration efforts but would identify opportunities to offset project impacts to the maximum extent practicable, and that enhancement to sensitive environmental habitat would be incorporated where feasible and practicable when considering cost, logistics, and technology. The agency expressed concerns regarding the range of alternatives for projects east of the SR-76 Melrose Drive to South Mission Road project. However, they supported the statement that the current project would not constrain consideration of a full range of alternatives for the proposed Mission to I-15 project, regardless of the alternative decision for the Melrose to Mission project. The EPA requested a thorough cumulative impact analysis, especially for the San Luis Rey River from multiple construction projects in the vicinity (Figure 5.4-7).

- The USFWS' response letter of December 7, 2005, acknowledged their involvement in the NEPA 404 MOU Integration process and concurred with the Purpose and Need Statement (Figures 5.4-8 and 5.4-9).

Letters requesting resource/regulatory agency concurrence on the projects' Selection Criteria and Range of Alternatives were mailed on April 12, 2006, to the Cooperating agencies including USFWS, EPA, and ACOE. Caltrans received the following comments regarding the Selection Criteria and Range of Alternatives:

- USFWS’ response letter of January 3, 2007, concurred on the alternatives to be studied, including the Existing Alignment, the Southern Alignment, and the No Build Alternatives. They acknowledged that the Split Facility and the Wetland Avoidance Alternatives would be evaluated but not fully studied. They expressed concern regarding the separation of environmental reviews for the Melrose to Mission and Mission to I-15 projects and that the alternatives would not preclude or predetermine connections to the future project (Figure 5.4-10).
- The EPA’s response letter of May 12, 2006, concurred on the Selection Criteria; however, they carried over concurrence on the range of alternatives to be carried forward and the elimination of alternatives. The agency acknowledged that Caltrans had incorporated extensive agency feedback into the criteria. The EPA’s response letter of December 29, 2006, concurred on the range of alternatives and included additional recommendations for completion of the DEIR/DEIS. The agency agreed that the Existing Alignment and Southern Alignment Alternatives and the No Build Alternative would be fully analyzed. The EPA expressed concerns regarding a potential scenario, which limits the range of alternatives for the future Mission to I-15 project. The EPA indicated the need for a thorough cumulative impact analysis, especially with regard to any connection scenarios and resource impacts from the connections between the two projects. The letter also discusses the next steps, including LEDPA and continuing feedback on design alternatives (Figures 5.4-11 and 5.4-12).
- The ACOE’s response letter of September 13, 2006, concurred on the project alternatives. The ACOE indicated the need for more information regarding the connections between the Melrose to Mission and Mission to I-15 projects and requested a robust cumulative impacts analysis (Figure 5.4-5).

Draft EIR/EIS Public Hearing

The DEIR/EIS was released for public review in October 2007. The comment period was open from October 12 until November 26, 2007. The Public Meeting was held on November 14, 2007, from 5:00 p.m. to 8:00 p.m. in an “open house” format at the Bonsall Community Center located at 31505 Old River Road, Bonsall. The Notice of Availability of the DEIR/EIS was published in the Federal Register on October 12, 2007. The NOA and Federal Register notice are included as Figures 5.4-14 and 5.4-15. Notices were mailed to elected officials and resource agencies. The Notice of Availability was published in the North County Times and Fallbrook Village News newspapers in English and the Hispanos Unidos newspaper in Spanish. A Spanish interpreter was present to translate for Spanish-speaking attendees. This meeting provided the public an opportunity to ask questions and discuss agency coordination, project and construction activities, and schedule with staff from Caltrans, the County of San Diego and the San Diego Association of Governments (SANDAG). The meeting was attended by 43 interested community members and resulted in nine written comments on Comment Sheets and seven oral comments given to the stenographer. Seven State and Federal resource agencies and the County of San Diego commented on the DEIR/EIS. Caltrans also accepted comments that were supplied

via mail, e-mail and fax after the meeting. Comments and responses are included in Appendix K of this FEIR/EIS and a list of commenters follows.

List of Commentors on Draft EIR/EIS

Federal

Department of the Army, Los Angeles District Corps of Engineers
National Oceanic and Atmospheric Administration
United States Department of the Interior, Fish and Wildlife Service
United States Department of the Interior, Office of the Secretary
United States Environmental Protection Agency

State

California Regional Water Quality Control Board
State Water Resources Control Board
Native American Heritage Commission

Local

North County Transit District
Rainbow Municipal Water District
San Diego County Archaeological Society
County of San Diego Department of Planning and Land Use
Bonsall Area for a Rural Community
California Indian Legal Services
Fallbrook Community Planning Group
Fallbrook Land Conservancy

Individual Letters

DLA Piper US LLP
Michael and Clem Stacco
Carl M. Kikerpill and Stephen M Batcheller, Time Out Holdings LLC
Lee Vance, Vance and Associates
Joan Brubaker
Drs. C. Greg and Dori Henderson
DuMonte and Joan Voight

Individual Emails

Mike Merica, Merlin Properties
Cathleen Orchard
Pete Penseyres
Public Inquiry, Keep San Diego moving website

Public Hearing Comments (Written)

Dale Bulick
Thomas Hill
John Holtman
Ken and Patti Humphreys
Mike Keyes
L. Sinning
Cecil R. Sowers, Jr.
Barry J. Spacher
Jessie Villegas

Public Hearing Comments (Verbal)

Virginia Carson
Ronald Coulombe
John Crouch
Frank Hopkins
Patty
Robert Ring
DuMonte and Joan Voight

5.5 PROJECT DEVELOPMENT TEAM MEETINGS

The SR-76 Melrose to Mission Project Development Team (PDT) was assembled by Caltrans in 2003 to serve as the technical advisory committee and internal decision-making body for the project. The PDT consists of Caltrans' staff representatives from Program Management and the various technical divisions, including Environmental, Design, Maintenance, Hydraulics, etc. The PDT meets monthly during the course of the project development as issues arise requiring technical direction or resolution.

Figure 5.2-1 Notice of Intent

[4910-22]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

ENVIRONMENTAL IMPACT STATEMENT: SAN DIEGO COUNTY, CALIFORNIA

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an Environmental Impact Statement (EIS) will be prepared for a proposed highway project in San Diego County, California.

FOR FURTHER INFORMATION CONTACT: Steve Healow, Project Development Engineer, Federal Highway Administration, 650 Capitol Mall, Suite 4-100, Sacramento, California 95814-4708, Telephone: (916) 498-5849, or Jason A. Reynolds, Environmental Analysis - Branch A, at the California Department of Transportation, District 11, 2829 Juan Street, MS 46, San Diego, California 92110, Telephone: (858) 616-6609.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the California Department of Transportation will prepare an Environmental Impact Statement (EIS) on a proposed project to upgrade and improve operations on State Route 76, from the vicinity of Melrose Drive to the vicinity of South Mission Road, in San Diego County, California. The proposed improvements would address traffic flow and safety issues by building additional traffic lanes, upgrade the roadway to current design standards, and improve intersections. These improvements are considered necessary to provide for the increase in existing and projected traffic demand. Preliminary alternatives under consideration include: (1) taking no action; (2) construct improvements along the existing roadway; (3) construct a new alignment to the South; (4) construct a split facility utilizing the existing roadway and the proposed Southern route.

Figure 5.2-1 (p 2) Notice of Intent

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State, and local agencies, and to private organizations and citizens who have previously expressed or are known to have interest in this proposal.

During future project development, prior to draft EIS circulation, a public scoping meeting may be held if significant new circumstances or information arise which bear on the proposed project or its impacts. A public hearing will be held after publication of the draft EIS. Public notice will be given regarding the time and place of the hearing. The draft EIS will be available for public and agency review and comment prior to the public hearing.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments, and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the Draft EIS/EIR should be directed to the FHWA at the address provided above.

Issued on: October 19, 2005



Steve Healow, FHWA Project Development Engineer
Sacramento, California


Figure 5.2-2 Notice of Preparation

SCH NO.	<div style="border: 1px solid black; padding: 2px; display: inline-block;"> FILED <small>Gregory J. Smith, Recorder/County Clerk</small> NOV 04 2005 BY <u>ASR</u> <small>DEPUTY</small> </div>
NOTICE OF PREPARATION	
To: _____ <small>(leave blank--will be filled in with Responsible/Trustee Address)</small>	From: California Dept. of Trans. MS -46 P.O. Box 85406 San Diego, CA 92186-5406
Subject: Notice of Preparation of a Draft Environmental Impact Report <small>Reference: California Code of Regulations, Title 14, (CEQA Guidelines) Sections 15082(a), 15103, 15375.</small>	
Project Title: State Route 76 Melrose to Mission Corridor Improvement Project Project Location: State Route 76 in northern San Diego County from Melrose Drive in Oceanside to South Mission Avenue in Fallbrook [PM7.8/12.6 (KP 12.6/20.3)]. Project Description: The project proposes to widen and improve State Route 76 through a rural area of northern San Diego County. Upgrading the roadway to current design standards; improve safety; minimize environmental impacts to cultural resource and sensitive wildlife and associated habitat; and, to maintain scenic qualities. This is to inform you that the California Department of Transportation will be the Lead Agency and will prepare a Draft Environmental Impact Statement/Environmental Impact Report (DEIS/EIR) for the project described above. Your participation as a responsible agency is requested in the preparation and review of this document. We need to know the views of your agency as to the scope and content of the environmental information that is germane to your agency's statutory responsibilities in connection with the proposed project. Your agency will need to use the DEIS/EIR when considering your permit or other approval actions for this proposed project. A more detailed project description, location map, and the potential environmental effects are contained in the attached materials. A copy of the Initial Study () (<u>X</u> is not) attached. Due to the time limits mandated by State law, your response must be sent at the earliest possible date but not later than 30 days after receipt of this notice. Please direct your response to Jason A. Reynolds, Environmental Analysis - Branch A, at the address shown above. Please supply us with the name for a contact person in your agency.	
Date <u>October 19, 2005</u>	Signature <u>Jason A. Reynolds</u> Title <u>Chief Environmental Analyst</u> Telephone <u>(858) 616-6609</u>
FILED IN THE OFFICE OF THE COUNTY CLERK San Diego County on <u>NOV 11 2005</u> Posted <u>NOV 04 2005</u> Removed _____ Returned to agency on _____ Deputy <u>ASR</u>	

Figure 5.2-3 NOI published in Federal Register

Federal Register / Vol. 70, No. 218 / Monday, November 14, 2005 / Notices		69201
<p>Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State, and local agencies, and to private organizations and citizens who have previously expressed or are known to have interest in this proposal.</p> <p>During future project development, prior to draft EIS circulation, a public scoping meeting may be held if significant new circumstances or information arise which bear on the proposed project or its impacts. A public hearing will be held after publication of the draft EIS. Public notice will be given regarding the time and place of the hearing. The draft EIS will be available for public and agency review and comment prior to the public hearing.</p> <p>To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments, and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the Draft EIS/EIR should be directed to the FHWA at the provided above.</p> <p>Issued on: October 19, 2005. Steve Healow, <i>FHWA Project Development Engineer,</i> <i>Sacramento, California.</i> [FR Doc. 05-22514 Filed 11-10-05; 8:45 am] BILLING CODE 4910-22-M</p>		
<p>DEPARTMENT OF TRANSPORTATION</p> <p>Federal Highway Administration</p> <p>Environmental Impact Statement: San Diego County, CA</p> <p>AGENCY: Federal Highway Administration (FHWA), DOT.</p> <p>ACTION: Notice of Intent.</p> <p>SUMMARY: The FHWA is issuing this notice to advise the public that an Environmental Impact Statement (EIS) will be prepared for a proposed highway project in San Diego County, California.</p> <p>FOR FURTHER INFORMATION CONTACT: Steve Healow, Project Development Engineer, Federal Highway Administration, 650 Capitol Mall, Suite 4-100, Sacramento, California 95814-4708, Telephone: (916) 498-5849, or Jason A. Reynolds, Environmental Analysis-Branch A, at the California Department of Transportation, District 11, 2829 Juan Street, MS 46, San Diego, California 92110, Telephone: (619) 616-6609.</p> <p>SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the California Department of Transportation will prepare an environmental impact statement (EIS) on a proposed project to upgrade and improve operations on State Route 76, from the vicinity of Melrose Drive to the vicinity of south Mission Road, in San Diego County, California. The proposed improvements would address traffic flow and safety issues by building additional traffic lanes, upgrade the roadway to current design standards, and improve intersections. These improvements are considered necessary to provide for the increase in existing and projected traffic demand. Preliminary alternatives under consideration include: (1) Taking no action; (2) construct improvements along the existing roadway; (3) construct a new alignment to the south; (4) construct a split facility utilizing the existing roadway and the proposed Southern route.</p>		

Figure 5.2-4 Response from Pechanga to NOP and NOI

	PECHANGA CULTURAL RESOURCES <i>Temecula Band of Luiseño Mission Indians</i> Post Office, Box 2183 • Temecula, CA 92593 Telephone (951) 308-9295 • Fax (951) 506-9491	Chairperson: Germaine Arenas Vice Chairperson: Mary Beat Magee Committee Members: Raymond Basquez, Sr. Eric Gerber Darlene Miranda Bridgett Barcello Maxwell Director: Gary DuBois Coordinator: Paul Macarno Cultural Analyst: Stephanie Gordin Monitor Supervisor: Aurelia Marnuffo
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November 3, 2005

Jason A. Reynolds
 California Department of Transportation
 MS-46
 P.O. Box 85406
 San Diego, CA. 92186-5406

**Re: Comments on Notice of Preparation of a Draft Environmental Impact Report
 for State Route 76 Melrose to Mission Corridor Improvement Project**

Dear Mr. Reynolds,

This comment letter is submitted by the Pechanga Band of Luiseño Indians (hereinafter, "Pechanga Tribe"), a federally recognized Indian tribe and sovereign government. The Pechanga Tribe is formally requesting, pursuant to Public Resources Code §21092.2, to be notified and involved in the entire CEQA environmental review process for the duration of the above referenced project (the "Project").

We submit the following comments on the above listed document for the Project. Additional comments may be submitted directly by Pechanga or through their attorneys. We request that all such comments be part of the official record for the approval of this Project.

1. → We also request that the California Department of Transportation provide us with copies of all archeological studies, reports, site records, proposed testing plans, and proposed mitigation measures, and conditions as soon as they become available, for our comment.

**THE LEAD AGENCY MUST INCLUDE AND CONSULT WITH THE TRIBE IN ITS
 REVIEW PROCESS**

Sacred Is The Duty Trusted Unto Our Care And With Honor We Rise To The Need

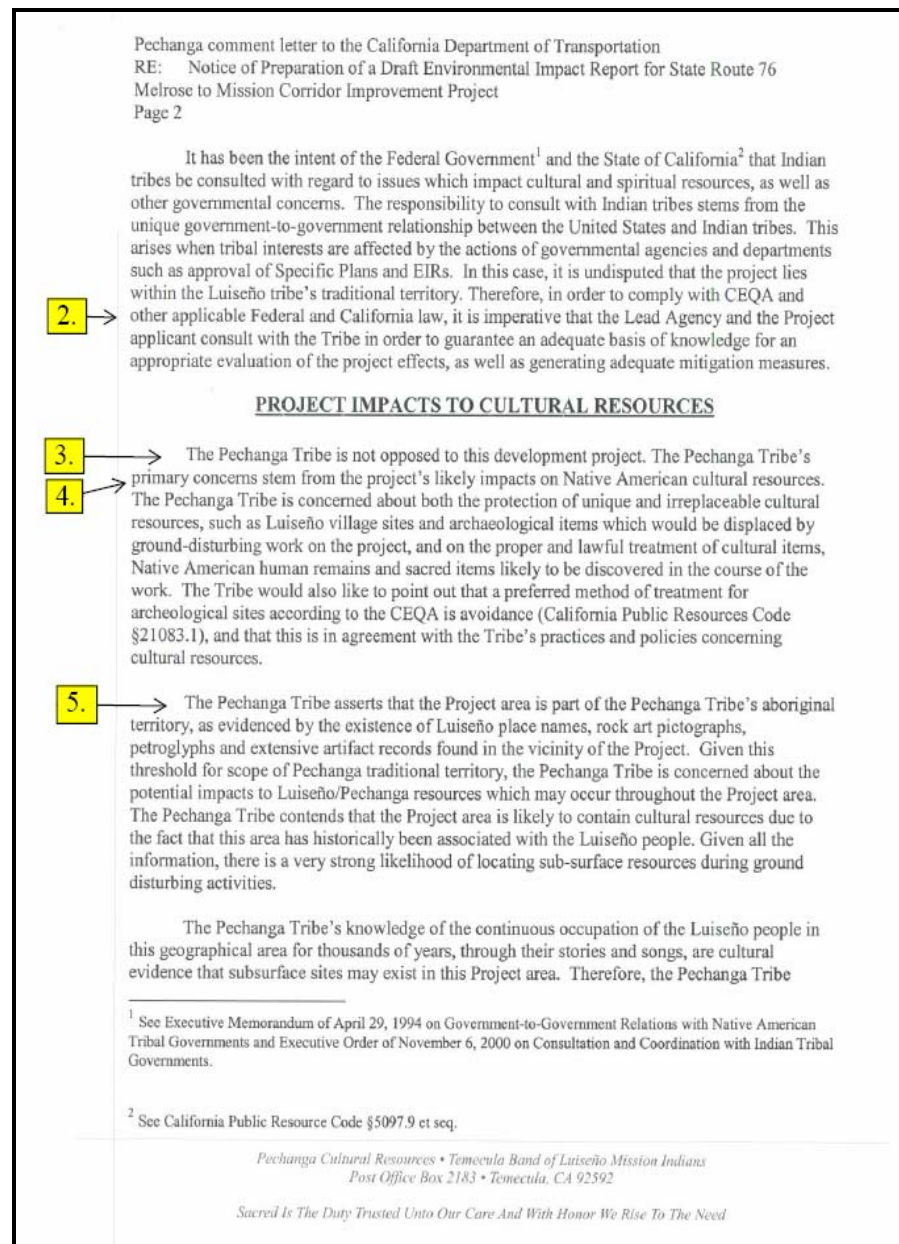
Figure 5.2-4 (p 2) Response from Pechanga to NOP and NOI

Figure 5.2-4 (p 3) Response from Pechanga to NOP and NOI

Pechanga comment letter to the California Department of Transportation
 RE: Notice of Preparation of a Draft Environmental Impact Report for State Route 76
 Melrose to Mission Corridor Improvement Project
 Page 3

6. → requests that in the case of discovery of new or additional sites or resources, that the Lead Agency re-evaluate the Project impacts to cultural resources and adopt appropriate mitigation measures to address such. The Pechanga Tribe intends to assert its legal rights with respect to additional finds of significant sites or cultural resources which are of sacred and ceremonial significance to the Pechanga Tribe.

7. →

8. → Given that Luiseno cultural resources will likely be affected by the Project, the Pechanga Tribe must be allowed to be involved and participate with the Lead Agency and the Project Applicant in developing all monitoring and mitigation plans for the duration of the Project.

9. → Further, given the potential for archaeological resources within the Project area, it is the position of the Pechanga Tribe that Pechanga tribal monitors should be required to be present during all ground-disturbing activities conducted in connection with the project, including any

10. → archeological testing performed. It is further the position of the Pechanga Tribe that an Agreement regarding appropriate treatment of cultural resources be drafted and entered into.

11. → Further, the Pechanga Tribe believes that if human remains are discovered, State law would apply and the mitigation measures for the permit must account for this. According to the California Public Resources Code, § 5097.98, if Native American human remains are discovered, the Native American Heritage commission must name a "most likely descendant," who shall be consulted as to the appropriate disposition of the remains. Given the Project's location in Pechanga territory, the Pechanga Tribe intends to assert its right pursuant to California law with regard to any remains or items discovered in the course of this project. And, accordingly, the Pechanga Tribe further requests that the Lead Agency work with the Tribe to draft an agreement which would address any inadvertent discoveries of cultural resources, including human remains.

12. → Also, surveys and grading may reveal significant archaeological resources and sites which may be eligible for inclusion in the historic site register, and may contain human remains or sacred items. Therefore, we request that the Lead Agency commit to evaluating Project environmental impacts to any cultural sites that are discovered during archeological testing and grading, and to adopt appropriate mitigation for such sites, in consultation with the Pechanga Tribe.

REQUESTED MITIGATION

13. → The Tribe requests that appropriate assessment of the archeological and cultural resources on the Project property be evaluated to determine significant and appropriate treatment by a qualified archeologist in conjunction with the Pechanga Tribe. Any such testing should involve the Tribe, and all tests to determine impacts should be completed prior to Project approval.

For the reasons above, the Pechanga Tribe requests the following mitigation measures be adopted at the present time. Upon completion of a thorough archeological assessment additional mitigation measures may be necessary.

*Pechanga Cultural Resources • Temecula Band of Luiseno Mission Indians
 Post Office Box 2183 • Temecula, CA 92592
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Figure 5.2-4 (p 4) Response from Pechanga to NOP and NOI

Pechanga comment letter to the California Department of Transportation
RE: Notice of Preparation of a Draft Environmental Impact Report for State Route 76
Melrose to Mission Corridor Improvement Project
Page 4

14. → 1. Prior to the issuance of grading permits, the Project Applicant/Developer is required to enter into a Pre-Excavation Agreement with the Pechanga Band of Luiseño Indians. This Agreement will address the treatment and disposition of cultural resources and human remains that may be uncovered during construction as well as provisions for tribal monitors.

15. → 2. Tribal monitors from the Pechanga Band of Luiseño Indians shall be allowed to monitor all grading, excavation and ground-breaking activities within native soils in the Tribe's aboriginal territory, including further surveys, to be compensated by the Project Applicant/Developer. The Pechanga Tribal monitors will have the authority to temporarily stop and redirect grading activities to evaluate the significance of any archaeological resources discovered on the property, in conjunction with the archeologist and the Lead Agency.


16. → 3. If human remains are encountered, all activity shall stop and the County Coroner must be notified immediately. All activity must cease until the County Coroner has determined the origin and disposition of said remains. The Coroner shall determine if the remains are prehistoric, and shall notify the State Native American Heritage Commission if applicable. Further actions shall be determined by the desires of the Most Likely Descendent.

17. → 4. The landowner agrees to relinquish ownership of all cultural resources, including all Luiseño sacred items, burial goods and all archeological artifacts that are found on the Project area to the Pechanga Band of Luiseño Indians for proper treatment and disposition.

18. → 5. All sacred sites within the Project area are to be avoided and preserved.

The Pechanga Tribe looks forward to working together with the California Department of Transportation and any other interested agencies in protecting the invaluable Luiseño cultural resources found in the Project area. If you have any questions, please do not hesitate to contact me at (951) 308-9295 or Laura Miranda at (951) 676-2768, Ext. 2137. Thank you for the opportunity to submit these comments.

Sincerely,



Stephanie Gordin
Cultural Analyst

*Pechanga Cultural Resources • Temecula Band of Luiseño Mission Indians
Post Office Box 2183 • Temecula, CA 92592*

Sacred Is The Duty Trusted Unto Our Care And With Honor We Rise To The Need

Comment 1

The cultural documentation was provided to Mr. Paul E. Macarro, Cultural Coordinator Pechanga Band of Mission Indians, in December of 2007.

Comment 2

Caltrans has coordinated closely with the Native American community during the course of this project's development and District 11 would continue to engage this community as required by state and federal law and Caltrans policies and/or guidelines. District 11 will therefore continue to coordinate with the Pechanga Band of Luiseño Indians as we have in the past and we therefore look forward to continued success and understanding.

The Treatment Plan (described below in response #5) outlines the history of, and the plan for, Native American involvement on this project. It states that consultation commenced with the initiation of the Phase I survey and continued throughout the Section 106 process. Representatives of the Pechanga, Pala, Pauma, La Jolla, Rincon, San Pasqual, Soboba, and San Luis Rey Bands were invited to participate in this project. All excavation work conducted for this project was monitored by Native American representatives. Mark Mojado of the San Luis Rey Band was included and he was afforded the opportunity to review all reports, including the Treatment Plan, as noted above. As the Treatment Plan notes, if prehistoric sites are encountered, representatives of the Native American community would participate in any archaeological excavations. The Treatment Plan was part of the cultural documentation submitted to Mr. Macarro.

Comment 3

We are pleased to read that the Pechanga Band of Luiseño Indians is not opposed to this project.

Comment 4

All of the known historic properties within the Area of Potential Effects (APE) are being avoided and this project was specifically designed to avoid all known historic properties/historical resources within the project area; Section 3.12-4 of the FEIR/FEIS outline the avoidance design process. If a newly discovered historic property were encountered during construction, Caltrans would determine if it is feasible to modify the project in order to avoid destroying or damaging the site.

Comment 5

Although confident that all of the surface sites within this project's APE have been identified (the SHPO concurred with this determination), Caltrans agrees with your statement regarding the possibility of there being buried cultural resources within this project's footprint. To properly

plan for this occurrence, geomorphological and historic studies were conducted and, based upon these studies, a Treatment Plan was prepared. A copy of the Treatment Plan was included in the cultural documentation provided to Mr. Paul E. Macarro. The Treatment Plan identifies the types of resources that could be encountered, ranks the project area in terms of its potential to contain buried resources, identifies measures that would be implemented to identify buried resources during construction, and outlines the procedures that would be followed in the evaluation of any buried cultural resource that is encountered.

Comment 6

As noted in the FEIR/FEIS, the Existing Alignment Alternative is the Preferred Alternative. Because none of the known sites within this project's APE would be impacted, it was not necessary to identify any impact-related mitigation measures. With respect to measures that will ensure that known historic properties would be avoided and fully protected, Section 3.12-4 of the FEIR/FEIS notes that all of the historic properties within this project's APE will be designated as Environmentally Sensitive Areas (ESAs) on all project plans and would be avoided by all construction activity. We are confident that this would adequately protect and preserve these prehistoric sites. For any sites encountered during construction, the Treatment Plan states that if a newly discovered historic property is found, and if it is not practicable to modify the project to avoid destroying or damaging the site, Caltrans would consider other nonavoidance measures to mitigate any impacts. A program of archaeological data recovery excavations may be one such mitigation measure.

Comment 7

Your intent is noted.

Comment 8

Please see the response to Comment #6 above.

Comment 9

Caltrans agrees that it is necessary to have a Native American monitor available during construction. However, this monitor would monitor construction activity in only those areas that have been determined to have an elevated likelihood of containing buried resources. The Treatment Plan describes these areas.

Comment 10

Caltrans is confident that the Treatment Plan, which was prepared in coordination with the Native American community, ensures that any cultural resources encountered during construction are appropriately treated in accordance with the applicable state and federal laws.

Comment 11

Per Caltrans policy, if human remains, that are likely Native American, are encountered during construction, we will confer with the Most Likely Descendant (MLD), who for this project is Henry “Skip” Contreras of the San Luis Rey Band, on the respectful treatment and disposition of the remains. As noted below in the response to Comment #16, the MLD determination was made by the Native American Heritage Commission. Section 3.12-4 of this FEIR/FEIS contains a statement regarding the steps that would be taken if Native American Human remains were encountered.

Comment 12

Please see the response to Comment #5 above.

Comment 13

Please see the response to Comment #2 above. Caltrans did coordinate the assessments with the Pechanga Tribe.

Comment 14

It is not Caltrans’ policy to enter into pre-excavation agreements such as the one you are requesting. We are therefore unable to incorporate this as a mitigation measure. The implementation of the Treatment Plan, which again calls for Native American coordination, would ensure that any historic property discovered during construction is given its proper and legal treatment.

Comment 15

Please see the response to Comment #9 above.

Comment 16

If human remains are discovered, State Health Code Section 7050.5 states that further disturbances and activities should cease in any area or nearby area suspected to overlie remains, and the County Coroner contacted. Pursuant to Public Resources Code Section 5097.98, if the remains are thought to be Native American, the coroner would notify the Native American Heritage Commission (NAHC) who would then notify then Most Likely Descendent (MLD). At this time, the person who discovered the remains would contact the District 11 Cultural Branch Chief so that they may work with the MLD on the respectful treatment and disposition of the remains.

When environmental studies were being conducted for this project, it became necessary to designate a Most Likely Descendant (MLD). This was done according to State Law and the

Native American Heritage Commission designated Henry “Skip” Contreras of the San Luis Rey Band as the MLD. This individual will continue as the MLD for the upcoming stages of the project.

Comment 17

With respect to nonceremonial and nonfunerary associated cultural items, it is Caltrans policy to curate recovered material at an appropriate repository in accordance with 36 CFR Part 76, *Curation of Federally Owned and Administered Archaeological Collections*, and the Office of Historic Preservation’s *Guidelines for the Curation of Archaeological Collections*.

Comment 18

All of the known historic properties within the APE are being avoided. If a newly discovered historic property were encountered during construction, Caltrans would determine if it was feasible to modify the project in order to avoid destroying or damaging the site.

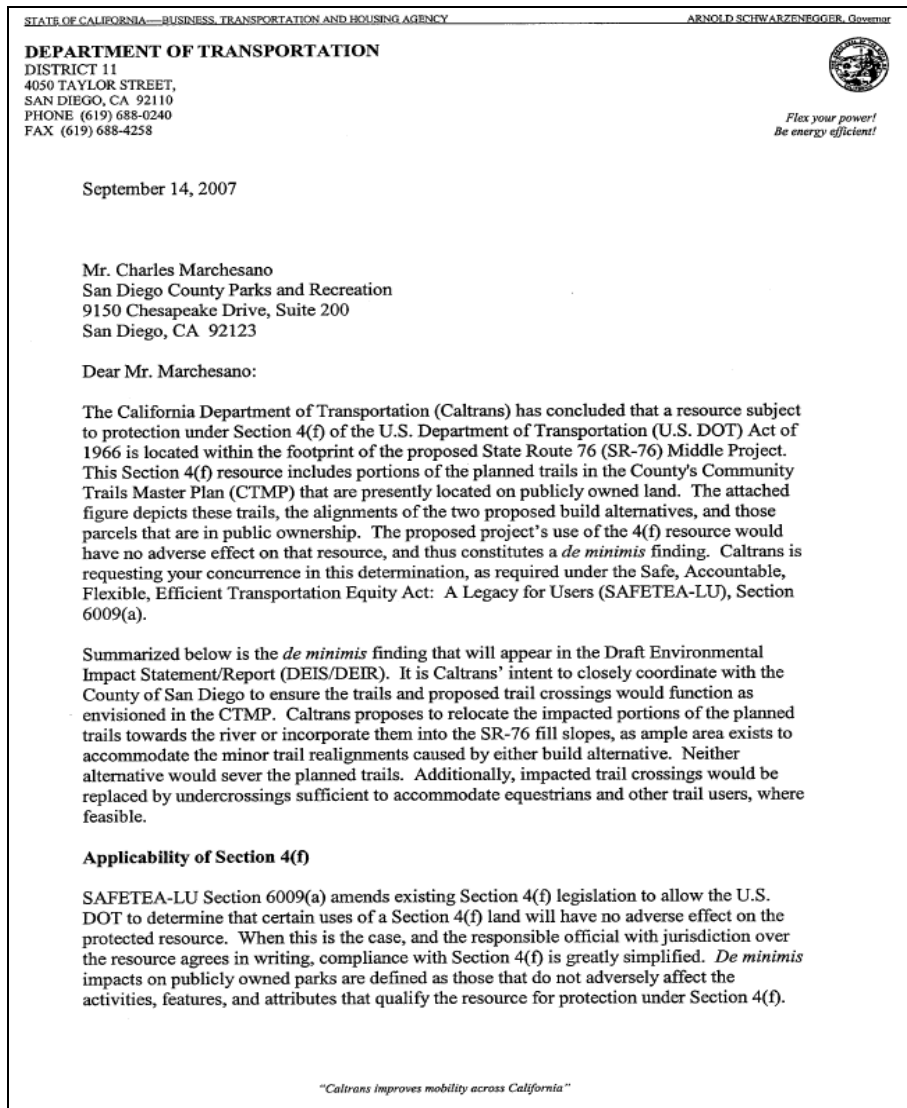
Figure 5.4-1 County of San Diego Concurrence on 4(f) De Minimis Finding

Figure 5.4-1 (p 2) County of San Diego Concurrence on 4(f) De Minimis Finding

Mr. Marchesano
September 14, 2007
Page 2

Description of the 4(f) Resource within Project Boundary

The Existing and Southern Alignment Alternatives would both impact trails that are proposed in the County of San Diego's 2005 CTMP. Portions of these planned trails traverse both private and public land.

The CTMP notes that the proposed trails shown on the trails map are depicted as general alignments. The document defines "general alignment" as the general location of a future trail within a designated corridor so that the specific alignment can be determined during the review and approval process when a discretionary application is submitted for a development permit for land that includes a trail corridor. The CTMP concludes that a general alignment is useful because it allows the trail to be located to avoid extreme topographical conditions, sensitive habitat, or other site-specific constraints.

Because the CTMP has formally designated the trails, those portions on publicly owned land are Section 4(f) resources.

Impacts to Planned Trails on Publicly Owned LandExisting Alignment Alternative

As indicated in the CTMP, the planned trail north of the San Luis Rey River is generally proposed to run adjacent to the existing SR-76 highway corridor. Currently, pedestrians, bicyclists, and equestrians may use the shoulders of the existing SR-76 or the numerous existing trails within the river valley between the existing SR-76 and Old River Road. The proposed project would neither preclude these uses, nor alter the future trail users in the adjacent planned park. While minor realignments of the planned trails would be required, this would not alter what is envisioned in the CTMP. The Existing Alignment Alternative would impact approximately 633-linear meters (2078-linear feet) planned trail on land that is publicly owned.

Southern Alignment Alternative

The types impacts on the planned trail south of the San Luis Rey River due to the Southern Alignment Alternative would be the same as those discussed above for the Existing Alignment Alternative. The Southern Alignment Alternative would impact approximately 566-linear meters (1858-linear feet) planned trail on land that is publicly owned.

Avoidance Alternatives for Planned Trails on Publicly Owned LandExisting and Southern Alignment Alternatives

Besides the No Build Alternative, which does not meet the project's purpose and need, there are no avoidance alternatives given the meandering nature of the planned trails.

"Caltrans improves mobility across California"

Figure 5.4-1 County of San Diego Concurrence on 4(f) De Minimis Finding (p 3)

Mr. Marchesano
September 14, 2007
Page 2

Measures to Minimize Harm to Planned Trails on Publicly Owned LandExisting and Southern Alignment Alternatives

The trails, as depicted in the CTMP, are conceptual in nature and not location specific, as discussed above. Neither build alternative precludes the placement of trails within the river valley as envisioned in the CTMP. Each alternative would require Caltrans, in coordination with the County of San Diego, to relocate trails towards the river or incorporate them into the fill slopes, where feasible. In no instance shall trail users be diverted onto the highway or highway shoulders, and impacted trail crossings would be replaced with undercrossings, where feasible. Because the planned trail locations are not specifically defined, ample area within the planned park exists to accommodate the minor trail alignments caused by either alternative for SR-76.

***De minimis* Finding for the Planned Trails on Publicly Owned Land**

Neither the Existing or Southern Alignment Alternative 1) precludes the planned trails from the river valley, 2) negates the future placement of the trails as envisioned in the CTMP, or 3) adversely affect the activities, features, and attributes of the planned trails. Each alternative would require, in coordination with the County of San Diego, relocation of the trails towards the river or their incorporation into the fill slopes, where feasible. Because the trails could be constructed as planned by the County of San Diego, this project's impacts to the proposed trails on publicly owned land are reduced to a *de minimis* level.

Again, Caltrans is requesting your concurrence in this determination, as required under SAFETEA-LU Section 6009(a). A signature block is provided at the bottom of this letter for your convenience. If you have any questions, please do not hesitate to call me at (619) 688-0240.

Sincerely,



KEVIN HOVEY
Senior Environmental Planner

Attachment (1)

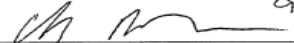
c: Kelly Finn

"Caltrans improves mobility across California"

Figure 5.4-1 County of San Diego Concurrence on 4(f) De Minimis Finding (p 4)

Mr. Marchesano
September 14, 2007
Page 2

The signature below represents written concurrence on the de minimis impact finding that the proposed project will not adversely affect the activities, features, and attributes that qualify the property for protection under Section 4(f).

 9-20-07

CHARLES MARCHESANO
Development Chief
San Diego County Parks and Recreation

"Caltrans improves mobility across California"

Figure 5.4-2 Section 106 Letter to SHPO


STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY DEPARTMENT OF TRANSPORTATION ENVIRONMENTAL DIVISION, MS-242 4050 TAYLOR STREET SAN DIEGO, CA 92110 PHONE (619) 688-0240 / FAX (619) 688-4237	ARNOLD SCHWARZENEGGER, Governor  <i>Flex your power! Be energy efficient!</i>
Mr. Milford Wayne Donaldson State Historic Preservation Officer (SHPO) Office of Historic Preservation P.O. Box 942896 Sacramento, CA 94296-0001	Date: 1/30/2007 File: 11-SD-76 PM 7.5/12.4 EA 080100
Subject: <i>Historic Property Survey Report</i> (HPSR) Submitted Pursuant to the Section 106 PA; Determinations of Ineligibility; Preparation of a Treatment Plan; and Finding of No Adverse Effect with Standard Conditions - ESAs	
<p>The California Department of Transportation (Caltrans), under authority of the Federal Highway Administration (FHWA), is initiating consultation with the State Historic Preservation Officer (SHPO) regarding the State Route 76 Widening project. Enclosed please find the above referenced document, being submitted under stipulations of the Section 106 <i>Programmatic Agreement</i> (PA), which became effective on January 1, 2004. The HPSR is intended to fulfill three of Caltrans' responsibilities under Section 106 of the Historic Preservation Act: determination of the Area of Potential Effects (APE); identification of potential historic properties within the APE; and evaluation of identified resources for eligibility to the National Register of Historic Places (NRHP). Under the PA, Caltrans is responsible for ensuring the appropriateness of the APE (Stipulation VIII.A) and the adequacy of historic property identification efforts (Stipulation VIII.B). The latter effort indicates that resources are likely to be encountered during this undertaking's implementation. Therefore, a Treatment Plan (Appendix J of the HPSR) is submitted in support of the identification efforts pursuant to Stipulation X.V.A of the PA. We are consulting with you under Stipulation VIII.C.5 of the PA, which requires that we seek your concurrence on Caltrans' determinations of eligibility. This submittal is also intended to satisfy Caltrans' responsibility under Stipulation X.B.2.b to notify SHPO of Caltrans' finding of "No Adverse Effect with Standard Conditions" for the undertaking. An ESA Action Plan is submitted in support of the finding.</p> <p>This project is located in northern San Diego County, along the San Luis Rey River corridor, and between the cities of Oceanside and Bonsall (see Figure 1 of the HPSR). The State Route 76 (SR-76) Melrose to Mission project proposes to widen and realign SR-76 from Melrose Drive to South Mission Road (see Figures 2 and 3 of the HPSR). The project proposes a conventional highway with right-of-way and grading for an ultimate six-lane facility. The intersections with major cross streets would be at-grade and signalized. Proposed bridges would be centrally supported by columns, pier walls, or constructed of a single span to reduce disturbance. The APE is depicted in Figure 3 of the HPSR.</p> <p>Consultation and identification efforts for the SR-76 Widening Project (summarized in pages 6-8 of the attached HPSR) resulted in the identification of 15 resources within the APE; eleven were prehistoric archaeological sites (CA-SDI-674, SDI-676, SDI-1250, SDI-1281, SDI-6003, SDI-10,879, SDI-12,155, SDI-14,047, SDI-16,498, SDI-16,497, and SDI-16,499) and four were architectural resources (6040 Highway 76, 31542 & 31552 Old River Road, 5580 & 5584 Mission Road, and Parcel #126-230-57).</p>	

Figure 5.4-2 (p 2) Section 106 Letter to SHPO

While nothing is specifically known to be buried within the APE, the project area lies within or adjacent to the floodplain of the San Luis Rey River. The river is one of the major drainages of northern San Diego County, and its valley offered an important prehistoric travel route between the coast and Palomar Mountain, as well as areas farther east. The valley has accordingly been recognized as a potentially sensitive area for prehistoric cultural resources. In accordance with Stipulation X.V.A of the PA, buried sites encountered within the APE will be treated in accordance with the attached Treatment Plan for Buried Cultural Resources (Appendix J of the HPSR).

Prehistoric site CA-SDI-674 is a habitation site (see Figures 3G & 3H of the HPSR) and was previously observed to include several dozen bedrock milling features, midden soil, manos, a pestle, flaked lithic debitage, pottery, bone awl, burnt bone, and marine shell. The site was found to be comprised of several loci: Locus A was described as the main, large part of the site while loci B, C, D, and E as small, ephemeral bedrock outcrops with milling stations. Martin Rosen conducted test excavations at the site as part of a previous undertaking and on February 24, 1984, the SHPO concurred with the FHWA that the site was not eligible for the National Register of Historic Places. During the pedestrian survey conducted for this project, the site map was updated and locational data confirmed. Numerous projects in the immediate vicinity of the site have removed, destroyed, or impacted portions of the site. Remaining are portions of the site to the east of SR-76, which are the central portions of the site (Locus A) and the outlying bedrock outcrops that are Loci C and E (each is a lone boulder with a slick). Early in the Native American Consultation process, a tour of this site was provided to the Native American community. During this tour, it was communicated to Caltrans that the site (Locus A) is associated with past events that are significant to the Native American community. The Native American community asked Caltrans to avoid the site during the implementation of this project. The establishment of an ESA can ensure that this site is avoided. Pursuant to Stipulation VIII.C.3 of the PA, Caltrans is therefore considering CA-SDI-674 eligible to the NRHP for the purposes of the present undertaking and will establish and enforce an ESA to ensure the site is not affected. The proposed ESA is documented and described in the enclosed ESA Action Plan.

Prehistoric archaeological site CA-SDI-676 (see Figure 3D of the HPSR) was initially reported to be about 120-meters by 50-meters in extent and was observed to include numerous bedrock mortars, basins, slicks, and cupules. This site had not been previously evaluated for its NRHP eligibility. During the pedestrian survey conducted for this undertaking, an accurate sketch map was prepared and minor changes were made to locational data. Additional milling features were found, which extended the site boundary slightly to the northeast. Early in the Native American Consultation process for this undertaking, a tour of the site was provided to the Native American community. During this tour, it was communicated to Caltrans that this site is associated with past events that are significant to the Native American community. The Native American community asked Caltrans to avoid the site during the implementation of this undertaking. The establishment of an ESA can ensure this site is avoided. Pursuant to Stipulation VIII.C.3 of the PA, Caltrans is therefore considering CA-SDI-676 eligible to the NRHP for the purposes of the present undertaking and will establish and enforce an ESA to ensure the site is not affected. The proposed ESA is documented and described in the enclosed ESA Action Plan.

Prehistoric archaeological site CA-SDI-16,497 (See Figure 3G of the HPSR) was initially recorded as part of the pedestrian survey conducted for this undertaking. It was described as a single milling outcrop containing two mortars. In conjunction with the Extended Phase I (XPI) examination (Appendix F of this HPSR), the site area was expanded and more bedrock features were encountered. This testing identified the presence of a subsurface, prehistoric component and the following artifacts were encountered: flaked lithic artifacts, marine shell, and bone. Fifteen STPs and six units were excavated as part of the Phase II excavations conducted to determine eligibility for the National Register of Historic Places (Appendix I of this HPSR). Based upon the analysis of the recovered artifacts, CA-SDI-16,497 was determined to be a small late prehistoric and protohistoric site containing

Figure 5.4-2 Section 106 Letter to SHPO (p 3)

moderate densities of cultural material distributed through relatively deep deposits. During the laboratory analysis of the artifacts, human remains, a probable left zygomatic arch bone, were discovered from one of the units at a depth of 210-220 centimeters. Three other pieces of bone from the same level and seven from the 200-210 centimeters level were also identified as possibly human. Also recovered were numerous shell beads. The Native American community was immediately contacted and informed about the laboratory discoveries and they quickly expressed their extreme interest in the site. The Native American community asked Caltrans to avoid the site. The establishment of an ESA can ensure this site is avoided. Based upon the ability to employ an ESA, Caltrans decided not to pursue addressing this site's eligibility vis-à-vis the results of the subsurface testing and surface collection. Caltrans will depict this site as an Environmentally Sensitive Area and will restrict entrance into and disturbance of the site by adhering to the ESA Action Plan. Pursuant to Stipulation VIII.C.3 of the PA, Caltrans is therefore considering CA-SDI-16,497 eligible to the NRHP for the purposes of the present undertaking and will establish and enforce an ESA to ensure the site is not affected.

Prehistoric archaeological site CA-SDI-14,047 required formal evaluation. This site had not been previously evaluated for its NRHP eligibility and pursuant to Stipulation VIII.C of the PA, this resource was formally evaluated for NRHP eligibility for this undertaking; this evaluation is documented in Appendix I of the HPSR.

The remaining seven prehistoric archaeological sites, none of which had been previously evaluated, were not subject to Phase II testing due to the XPI results, which are documented in Appendices F, G, H, and L of the HPSR. Based on the XPI excavations, it was determined that sites CA-SDI-1250, SDI-1281, SDI-6003, SDI-12,155 are all highly disturbed (and in some cases completely destroyed), CA-SDI-10,879 lacks subsurface manifestations, deposits, or features and is a heavily disturbed, diffuse, and sparse scatter of cultural debris, while CA-SDI-16,498 and SDI-16,499 are lone boulders with milling slicks which lack any associated surface or sub-surface deposits. The Native American community voiced no concerns over any of these sites.

None of the four architectural resources had been previously evaluated and pursuant to Stipulation VIII.C of the PA, all were formally evaluated; these evaluations are documented in Appendix M of the HPSR.

Pursuant to Stipulation VIII.C.5 of the PA, Caltrans is requesting your concurrence with the following NRHP eligibility determinations:

1) the following eight archaeological sites are not eligible to the NRHP: CA-SDI-1250, SDI-1281, SDI-6003, SDI-10,879, SDI-12,155, SDI-14,047, SDI-16,498, and SDI-16,499

and

2) the following four architectural resources are not eligible to the NRHP: 6040 Highway 76, 31542 & 31552 Old River Road, 5580 & 5584 Mission Road, and Parcel #126-230-57.

In addition, pursuant to Stipulation VIII.C.3, Caltrans is notifying FHWA and SHPO concurrently of its Finding of No Adverse Effect with Standard Conditions in accordance with PA Stipulations X.B.2.a.(ii) & X.B.2.b and is assuming that the following archaeological sites are eligible for the purposes of this undertaking only: CA-SDI-674, SDI-676, and SDI-16,497.

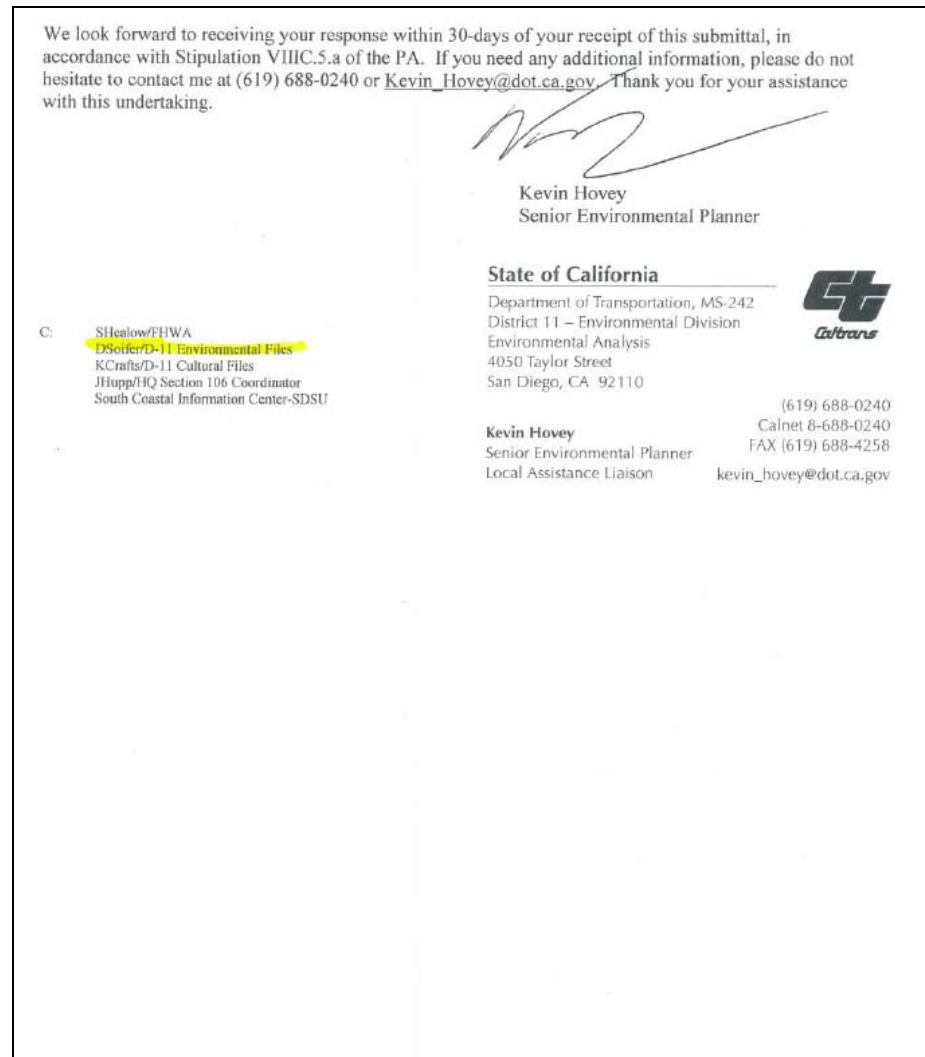
Figure 5.4-2 Section 106 Letter to SHPO (p 4)

Figure 5.4-3 NOAA Concurrence Letter

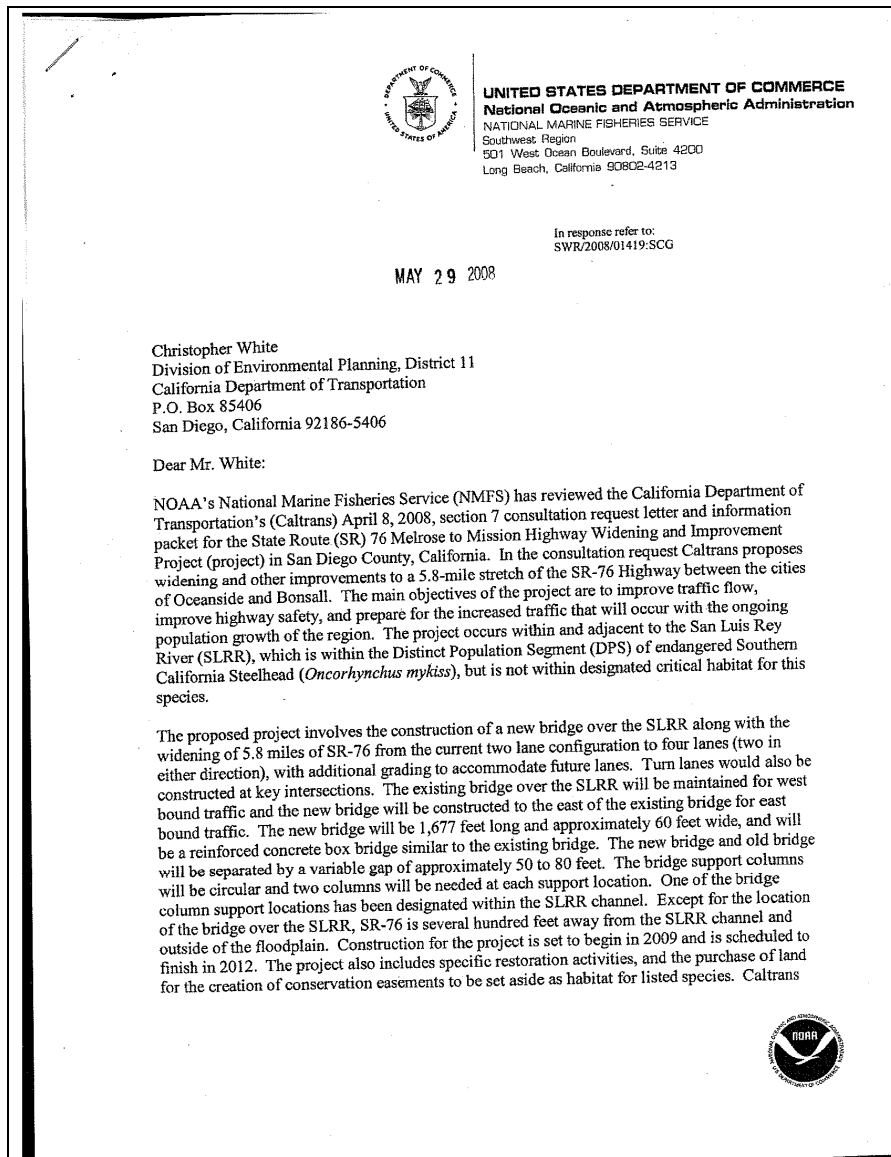


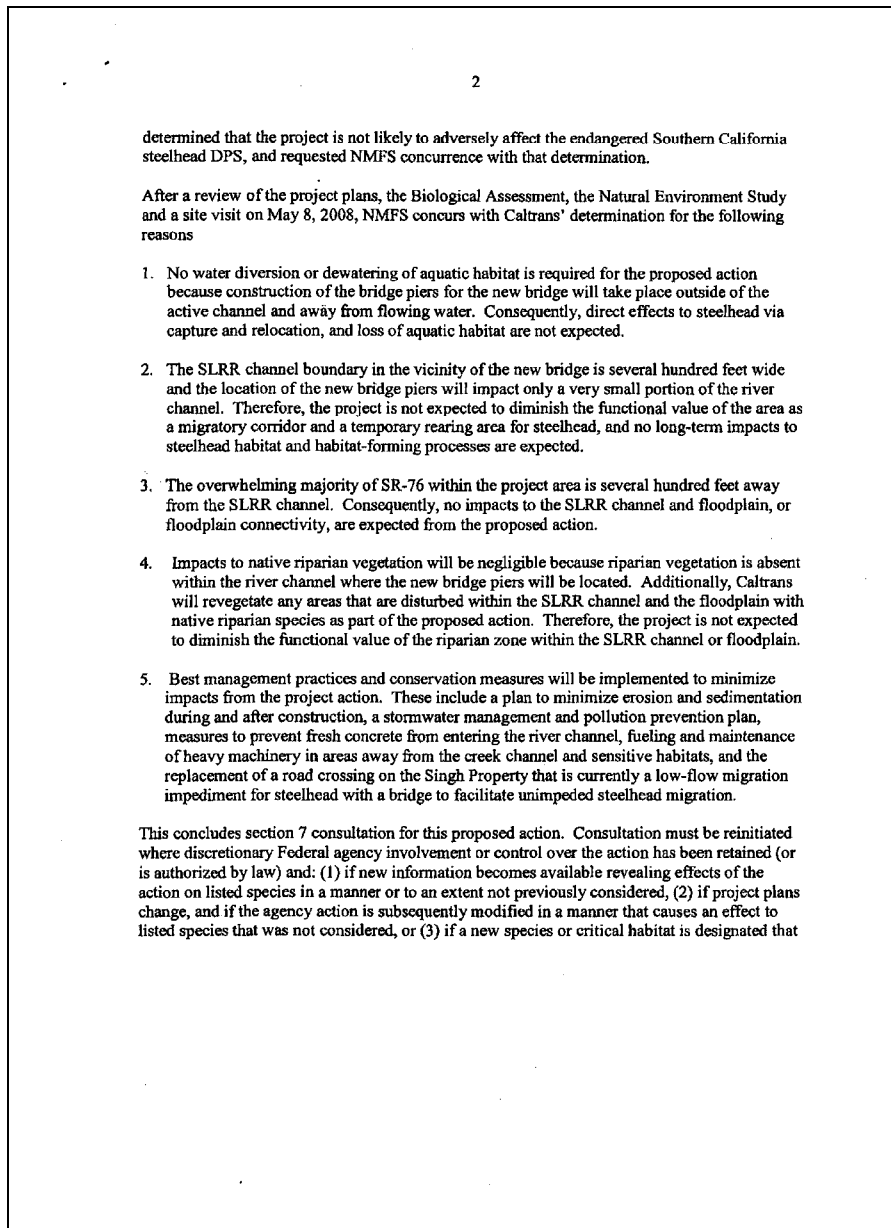
Figure 5.4-3 (p 2) NOAA Concurrence Letter

Figure 5.4-3 NOAA Concurrence Letter (p 3)

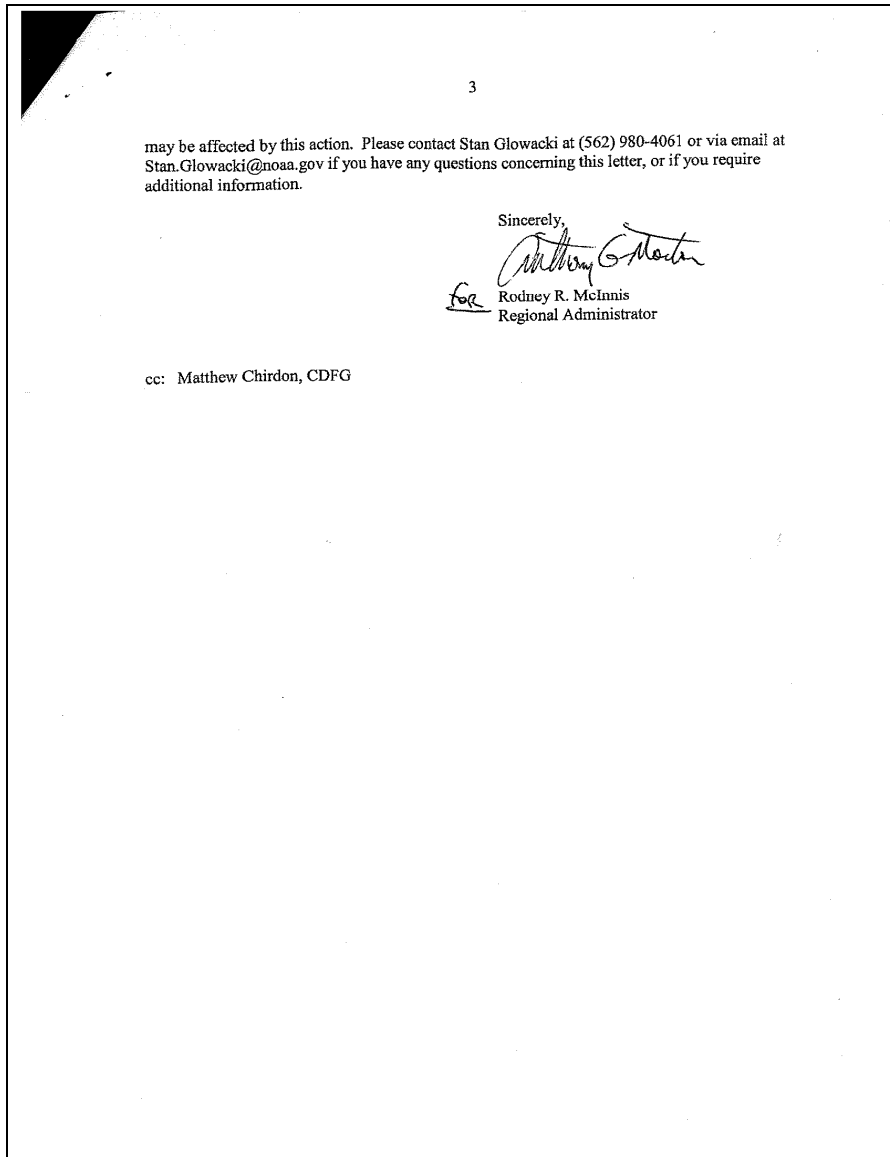


Figure 5.4-4 Section 106 Findings Letter to SHPO


<p>STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY DEPARTMENT OF TRANSPORTATION ENVIRONMENTAL DIVISION, MS-242 4050 TAYLOR STREET SAN DIEGO, CA 92110 PHONE (619) 688-0240 / FAX (619) 688-4237</p>	<p>ARNOLD SCHWARZENEGGER, Governor</p>  <p><i>Flex your power! Be energy efficient!</i></p>
<p>Mr. Milford Wayne Donaldson State Historic Preservation Officer (SHPO) Office of Historic Preservation P.O. Box 942896 Sacramento, CA 94296-0001</p>	<p>Date: March 26, 2007 File: 11-SD-76 PM 7.5/12.4 EA 080100</p>
<p>Attn.: Susan Stratton</p>	
<p>Subject: Assumption of Section 106 Findings, in Accordance with the Statewide Section 106 Programmatic Agreement (PA)</p>	
<p>On January 30, 2007, Caltrans, under authority of the Federal Highway Administration (FHWA), initiated consultation with the State Historic Preservation Officer regarding the State Route 76 Widening project. A Historic Property Survey Report (HPSR) with supporting technical studies was submitted for your review. Pursuant to PA Stipulation VIII.C.5 Caltrans requested your concurrence in the following National Register of Historic Places (NRHP) eligibility determinations:</p>	
<p>1) Eight archaeological sites are not eligible to the NRHP: CA-SDI-1250; CA-SDI-1281; CA-SDI-6003; CA-SDI-10879; CA-SDI-12155; CA-SDI-14047; CA-SDI-16498; and CA-SDI-16499, and</p>	
<p>2) Four architectural resources are not eligible to the NRHP: 6040 Highway 76; 31542 and 31552 Old River Road; 5580 & 5584 Mission Road; Parcel #126-230-57.</p>	
<p>Caltrans notified you and FHWA in accordance with PA Stipulation X.B.2.a(ii) of our finding of “no adverse effect with standard conditions” for the undertaking. Archaeological sites, CA-SDI-674, CA-SDI-676, and CA-SDI-16497 will be assumed eligible for the undertaking only and protected through the establishment of Environmentally Sensitive Areas and in accordance with a treatment plan attached to the HPSR.</p>	
<p>With this transmittal we are notifying the SHPO, and on behalf of FHWA, of our assumption of our Section 106 findings for this undertaking in accordance with PA Stipulation X.B.2.b. If you have any questions or comments regarding the above please do not hesitate to contact me (619-688-0240, khovey@dot.ca.gov).</p>	
<p>C: SHealow/FHWA JHupp/HQ Section 106 Coordinator</p>	

Figure 5.4-5 USFWS Species List

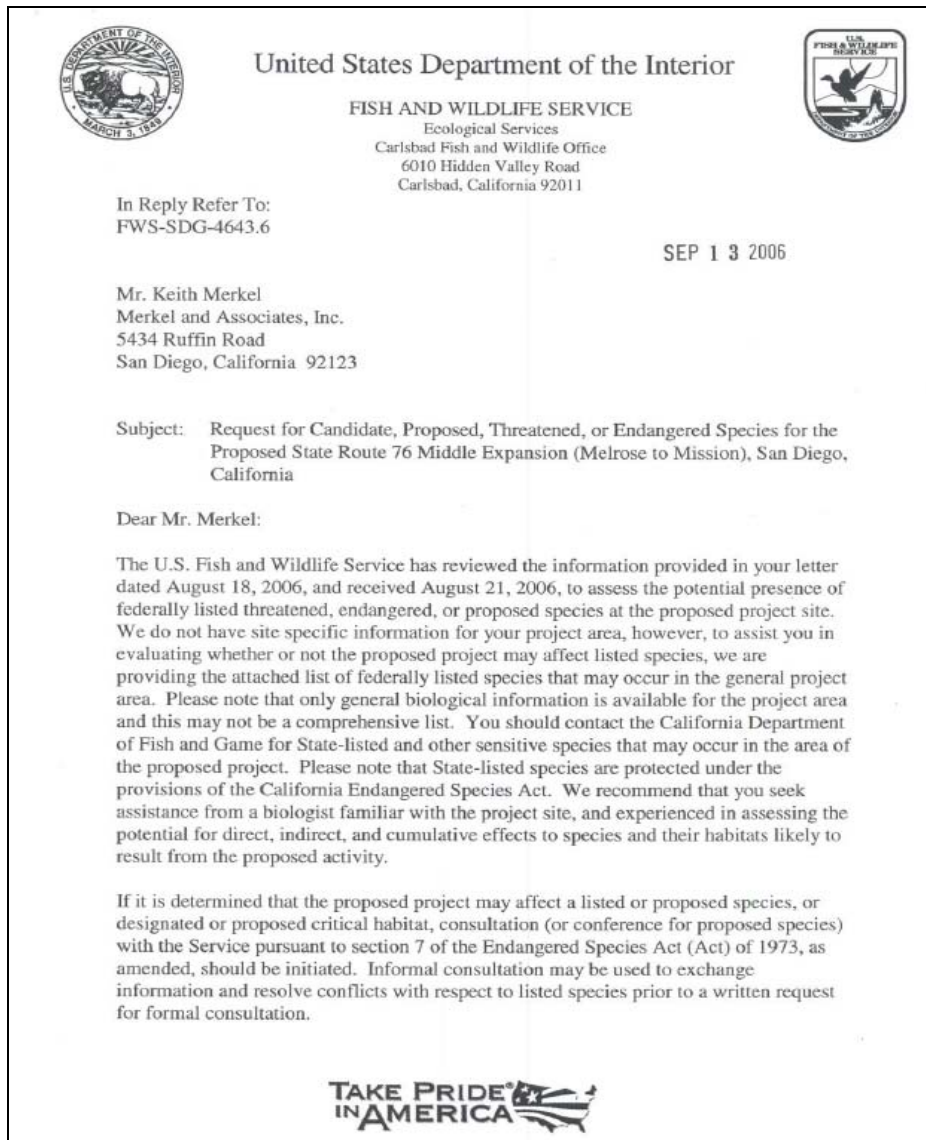



Figure 5.4-5 (p 2) USFWS Species List

Mr. Merkel (FWS-SDG-4643.6) 2

Should you have any questions regarding the species on the enclosed list or your responsibilities under the Act, please call Kurt Roblek of my staff at (760) 431-9440, extension 308.

Sincerely,

 Therese O'Rourke
 Assistant Field Supervisor

Cc: Bruce April, Caltrans-District 11
 Steve Healow, Federal Highway Administration

**Federally Listed Species Which Occur or May Occur
 Within the Project Site of the State Route 76 Middle Expansion Project (Melrose
 Drive to South Mission Avenue)**

Common Name	Scientific Name	Status
BIRDS		
Southwestern willow flycatcher	<i>Empidonax traillii extimus</i>	E, CH
Coastal California gnatcatcher	<i>Poliopitila californica californica</i>	T, PCH, CH
Least Bells vireo	<i>Vireo bellii pusillus</i>	E, CH
Light-footed clapper rail	<i>Rallus longirostris levipes</i>	E
PLANTS		
San Diego ambrosia	<i>Ambrosia pumilla</i>	E
Thread-leaved brodiaea	<i>Brodiaea filifolia</i>	T
AMPHIBIANS		
Southwestern arroyo toad	<i>Bufo californicus</i>	E
MAMMALS		
Stephen's kangaroo rat	<i>Dipodomys stephensi</i>	E, CH

E: Endangered T: Threatened C: Candidate CH: Critical Habitat
 PCH: Proposed Critical Habitat

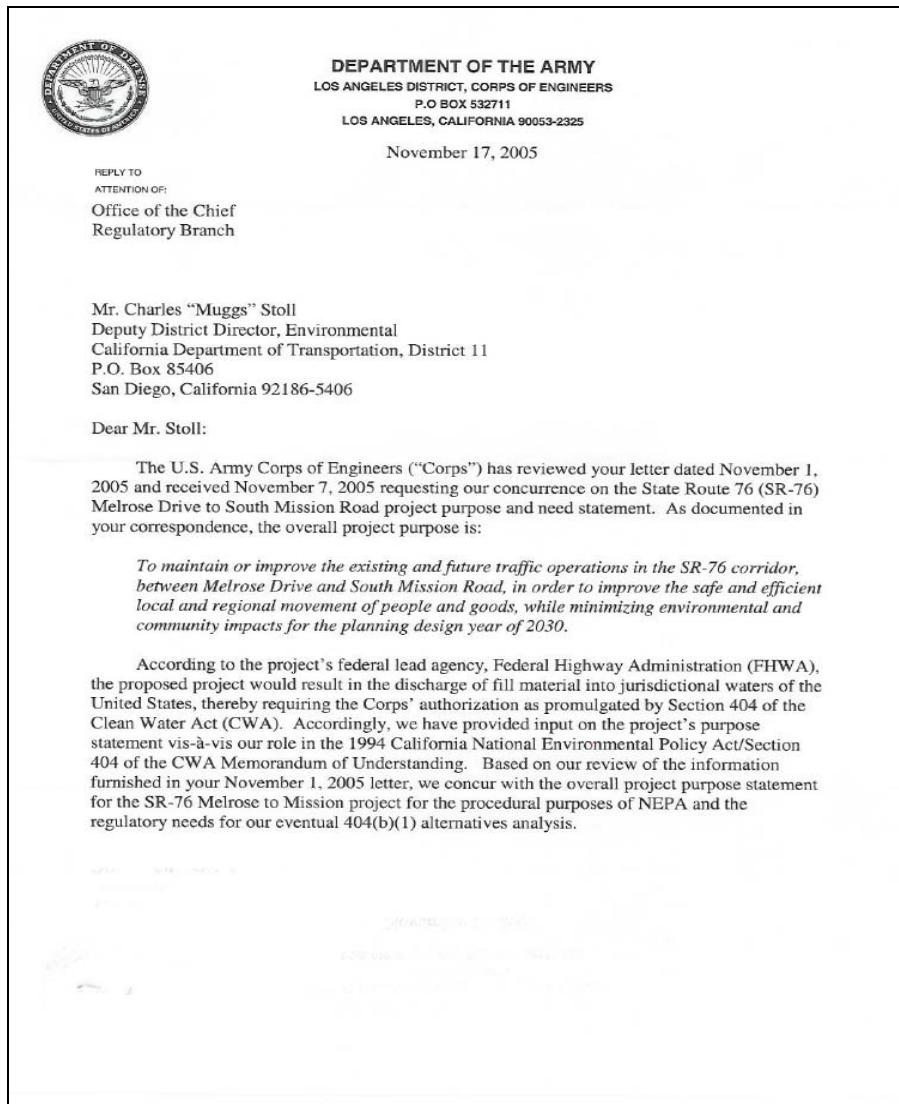
Figure 5.4-6 Response from ACOE for Concurrence on Purpose and Need

Figure 5.4-6 (p 2) ACOE Response to Request for Concurrence on Purpose and Need

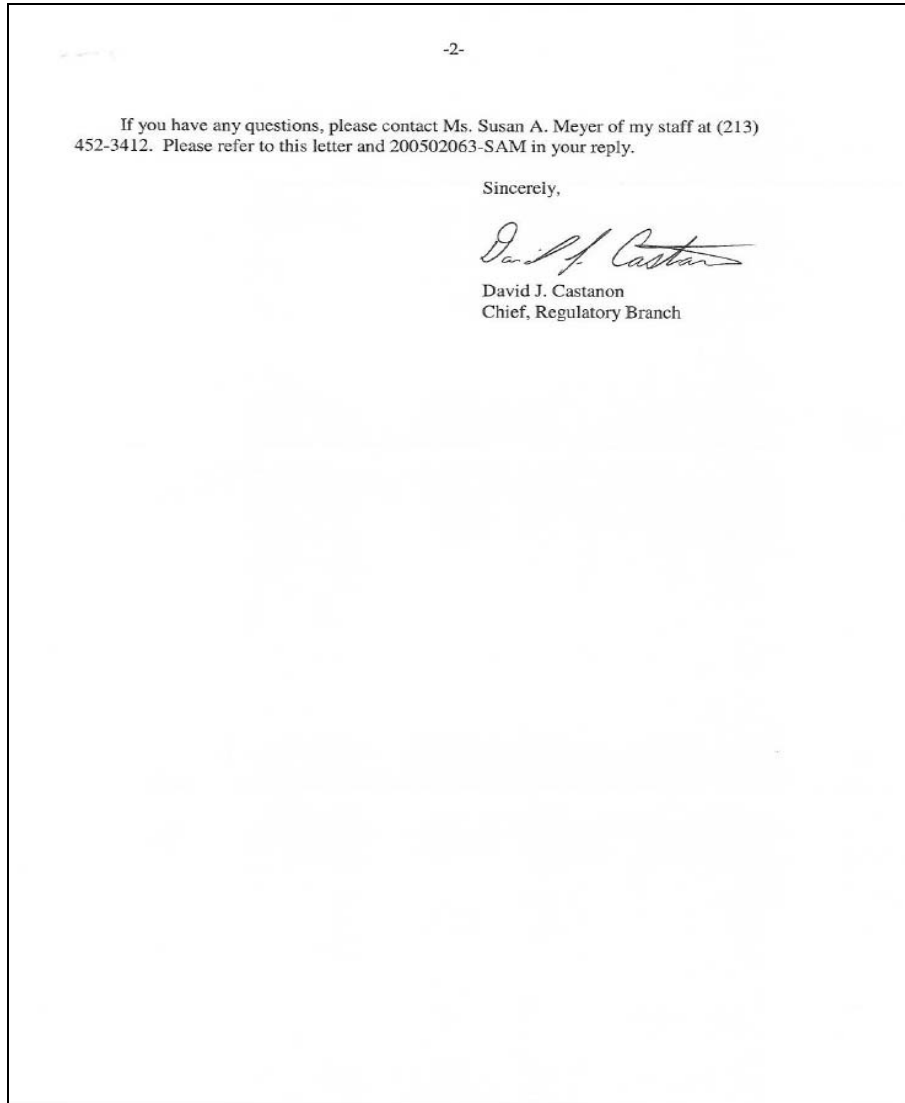


Figure 5.4-7 Response from EPA for concurrence on Purpose and Need

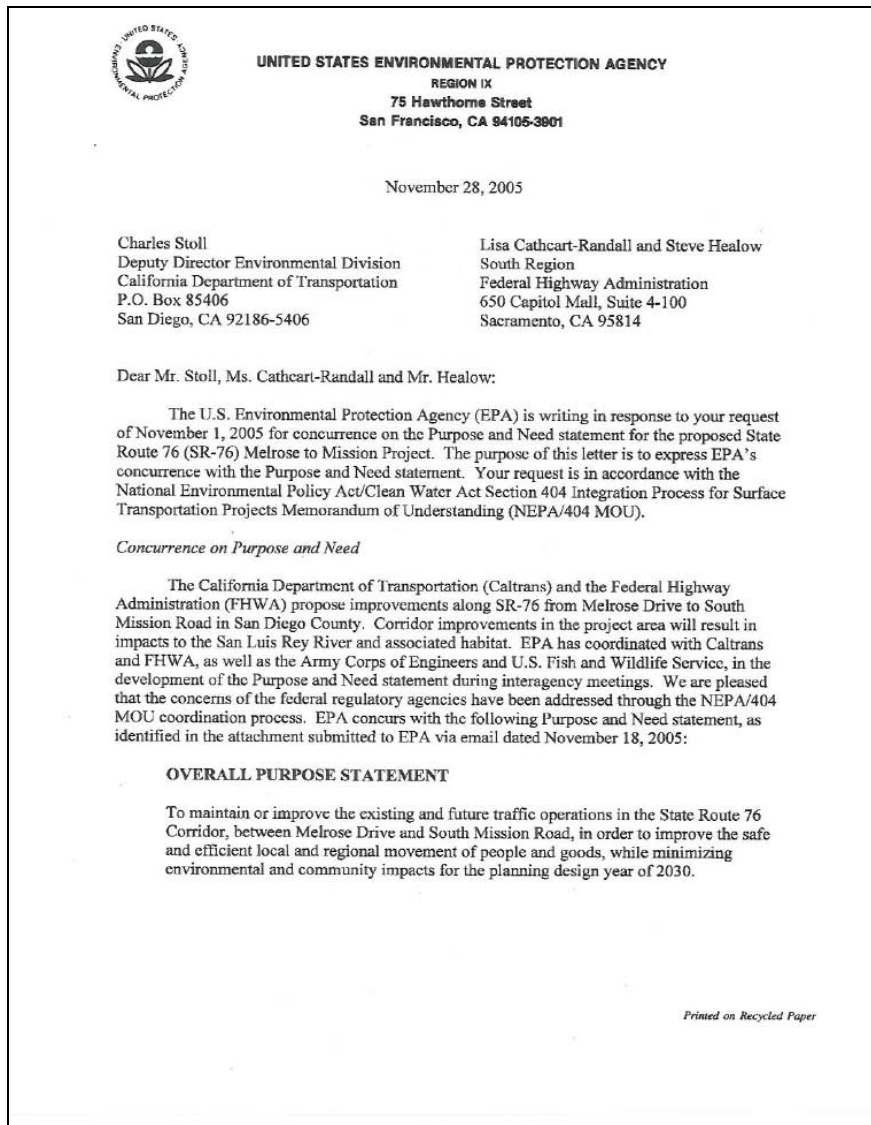


Figure 5.4-7 (p 2) Response from EPA on Purpose and Need

PROJECT OBJECTIVES

The objectives of this project are to:

- Maintain or improve future traffic levels of service in 2030 over the existing levels of service,
- Maintain or improve travel times within the corridor,
- Provide a facility that is compatible with future transit and other modal options,
- Provide consistency with the regional transportation plan, Mobility 2030 - The Transportation Plan for the San Diego Region, SANDAG, April 2003 (SANDAG 2030 RTP) where feasible and in compliance with Federal and State regulations,
- Maintain the facility as an effective link in the intra-regional and inter-regional movement of people and goods, and
- Protect and/or enhance the human and natural environment along the SR-76 corridor.

San Luis Rey River Restoration Efforts

As stated in the Purpose and Need document, ongoing restoration efforts are occurring along the San Luis Rey River. We are pleased that the Purpose and Need statement indicates that Caltrans and FHWA "will seek to not impede these efforts and will identify opportunities to offset potential project impacts to the maximum extent practicable" and that "enhancements to the conditions of sensitive environmental habitat will be incorporated, where feasible and practicable when considering cost, logistics, and technology."

Other Widening Projects along State Route 76

EPA has expressed concerns regarding the potential for decisions made during the Melrose to Mission environmental review process to restrict the range of alternatives that can be analyzed for future SR-76 corridor projects east of the proposed improvements. We acknowledge and support the following Caltrans commitment as stated in background materials provided to EPA during the September 19, 2005 interagency meeting:

"It will be demonstrated that the selection and/or construction of an alignment for SR 76 between Melrose and Mission will not constrain the consideration of a full range of alternatives for improvement between Mission and I-15. The Draft EIS will present preliminary alternatives to the east, which will show that any of them could be considered regardless of the alternative decision between Melrose and Mission."

Analysis of Cumulative Impacts to State Route 76

EPA has also highlighted concerns regarding the need for a thorough cumulative impact analysis in the development of the proposed project, especially related to the cumulative impacts to the San Luis Rey River from multiple current and future construction projects in the vicinity. EPA will continue to be available through the NEPA/404 MOU coordination process to discuss available methodologies to complete a cumulative impacts assessment as part of the Melrose to Mission environmental document and supports the use of Caltrans' Cumulative Impact Guidance

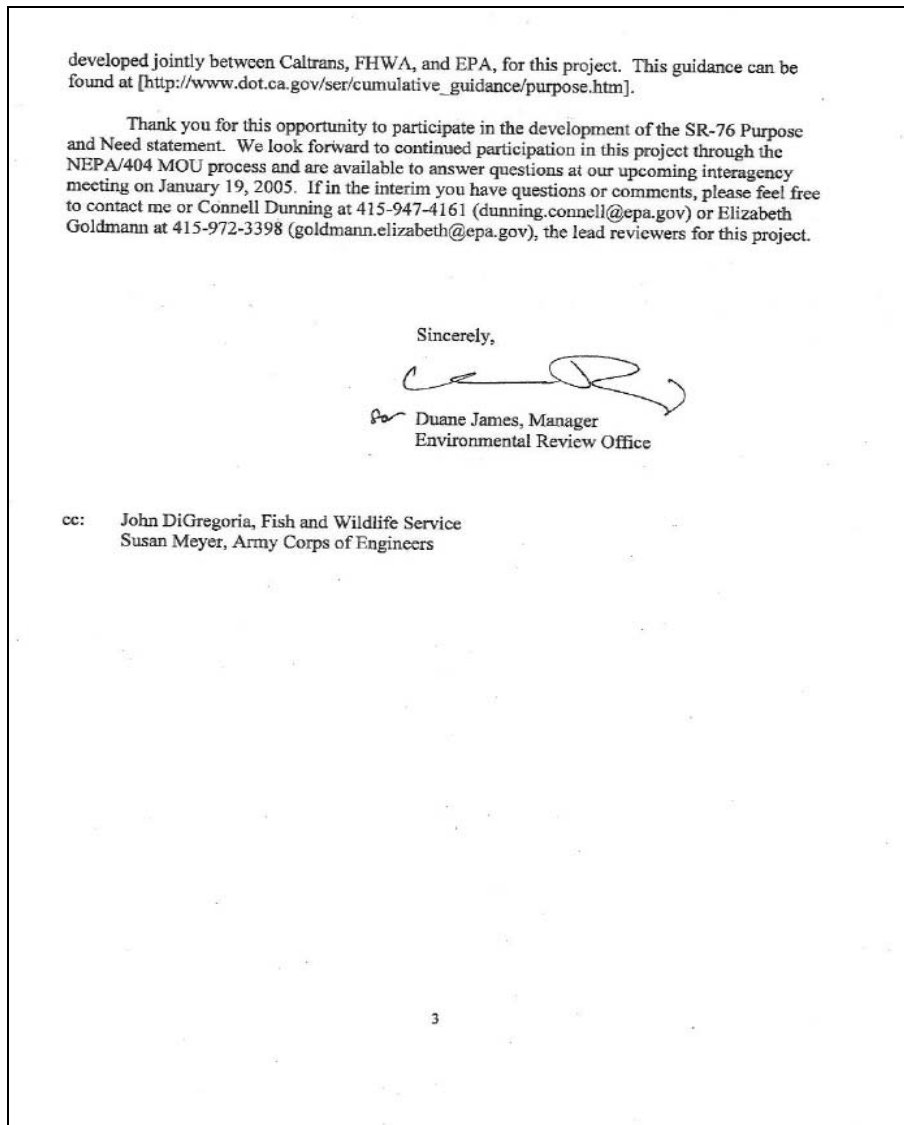
Figure 5.4-7 (p 3) Response from EPA on Purpose and Need

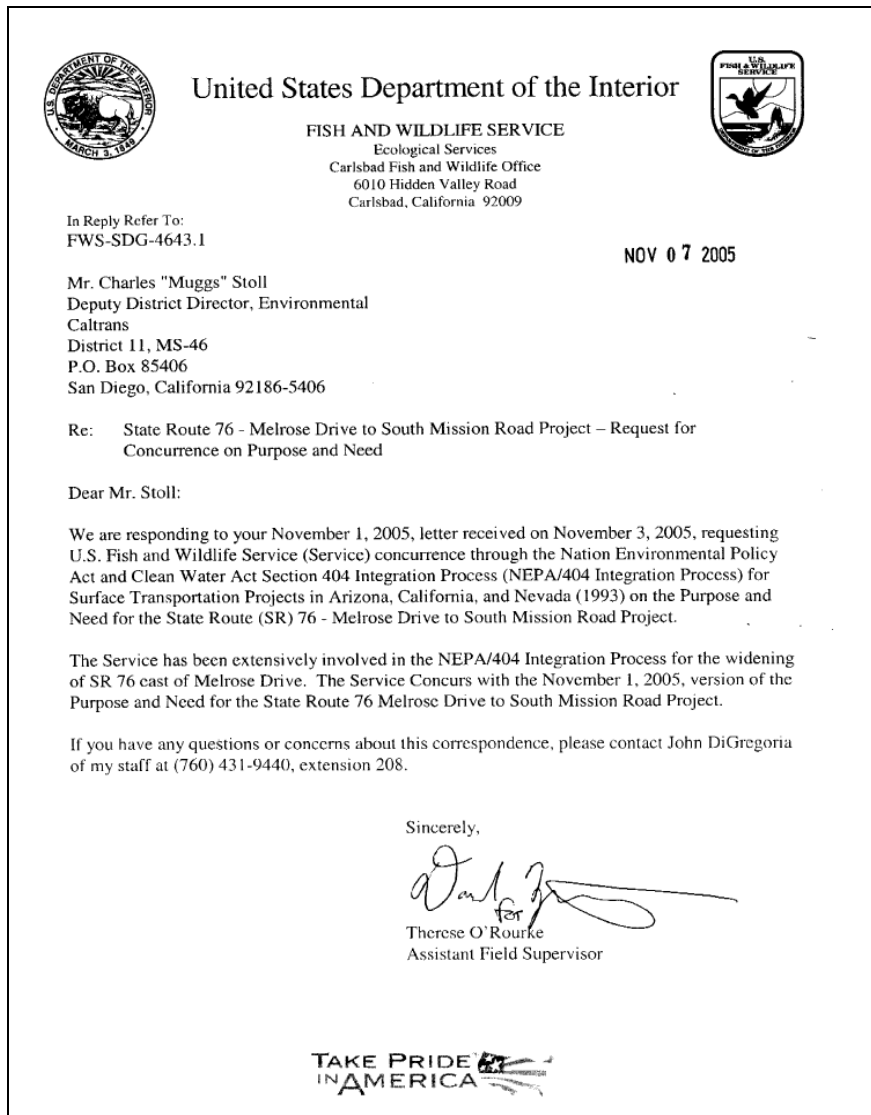
Figure 5.4-8 Response from USFWS on Purpose and Need 11/05

Figure 5.4-9 Response from USFWS on Purpose and Need 12/05

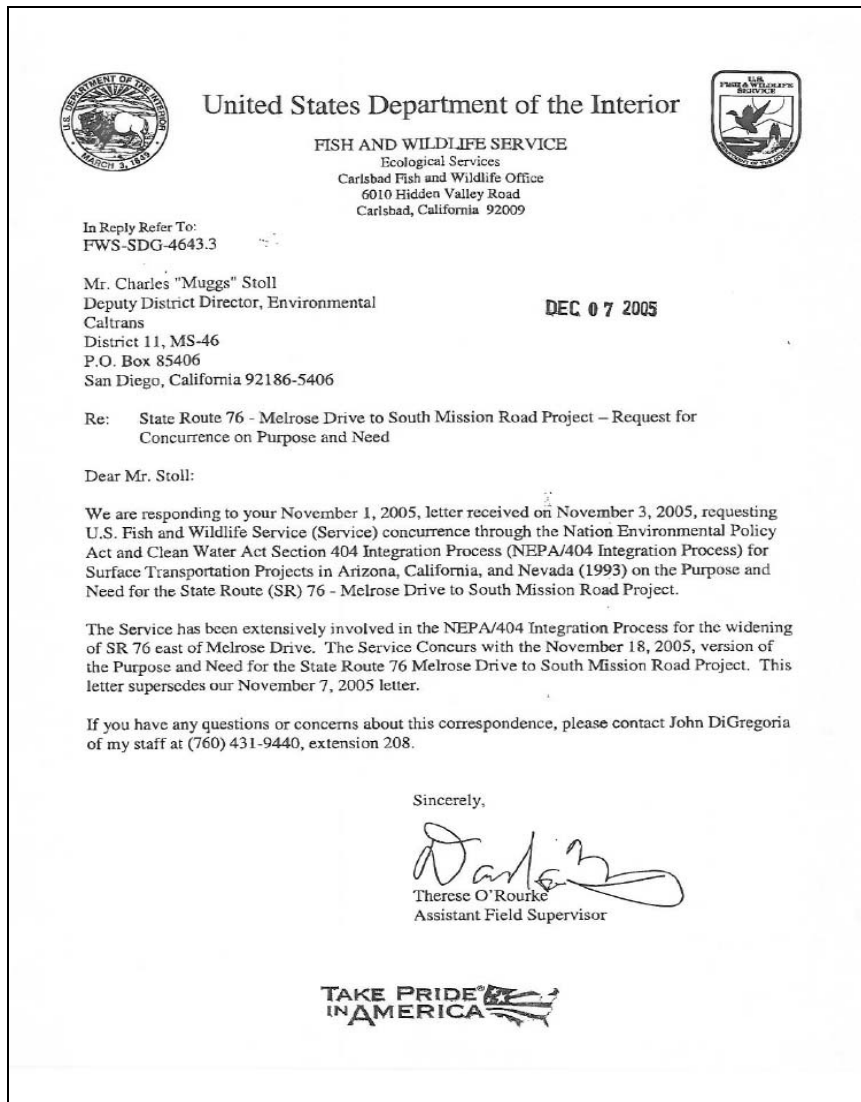


Figure 5.4-10 Response from USFWS on Selection Criteria and Range of Alternatives

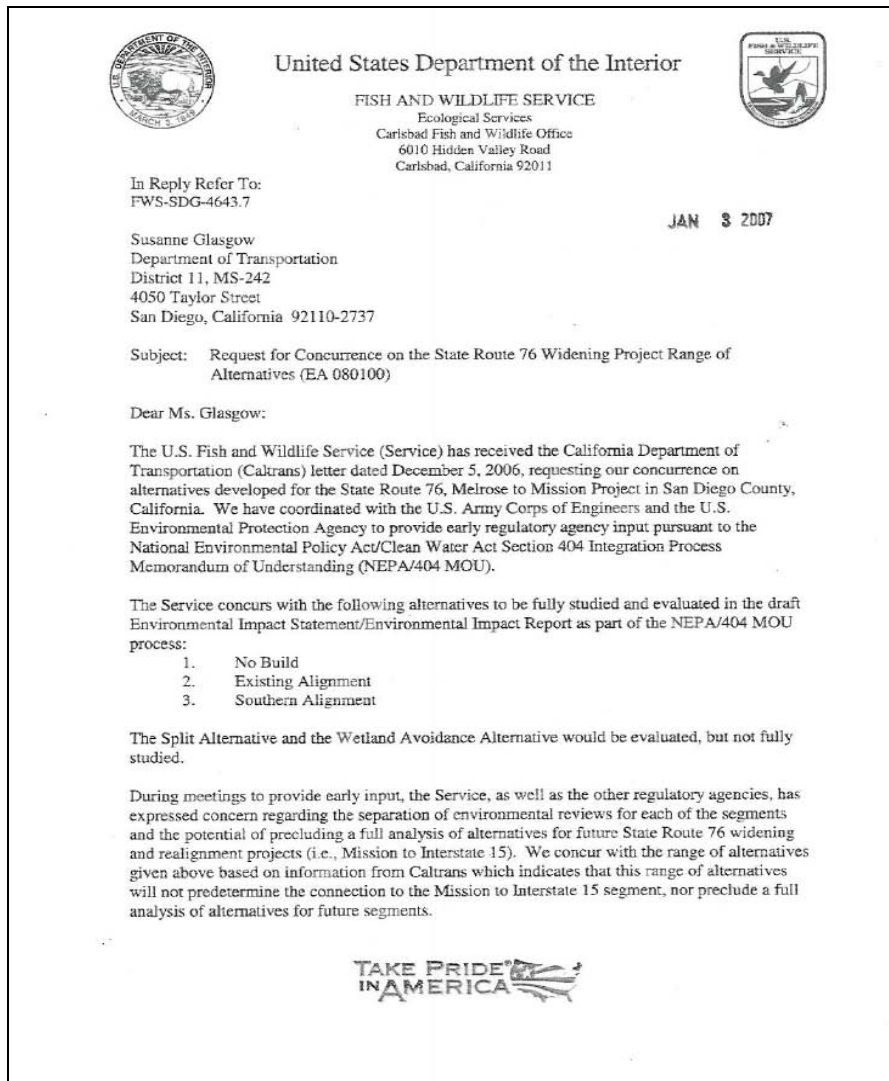


Figure 5.4-10 (p 2) Response from USFWS on Selection Criteria and Range of Alternatives

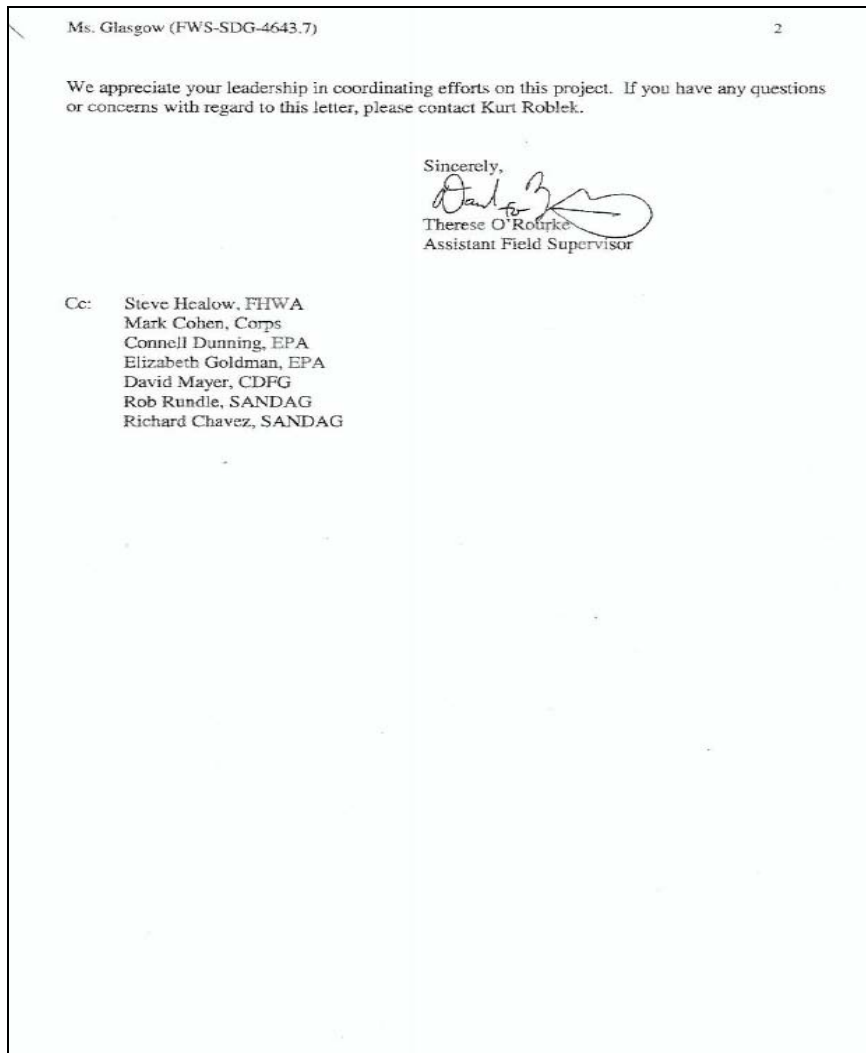


Figure 5.4-11 Response from EPA on Selection Criteria

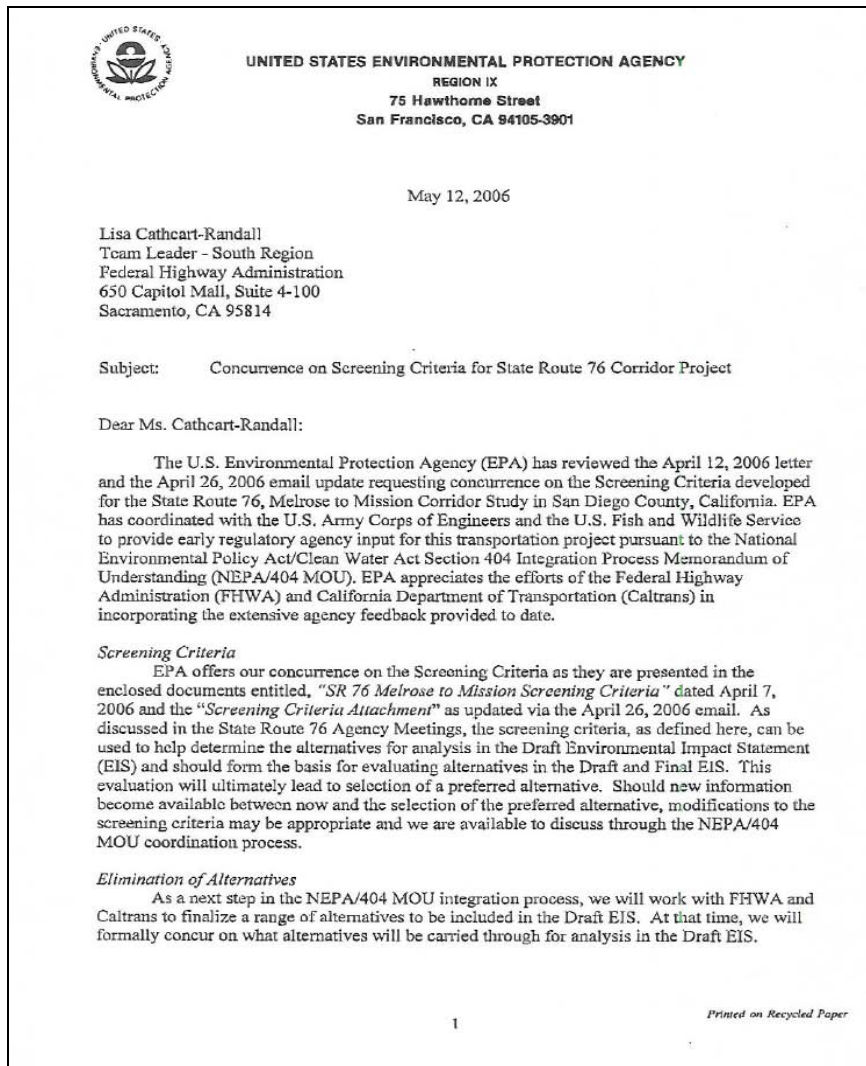


Figure 5.4-11 (p 2) Response from EPA on Selection Criteria

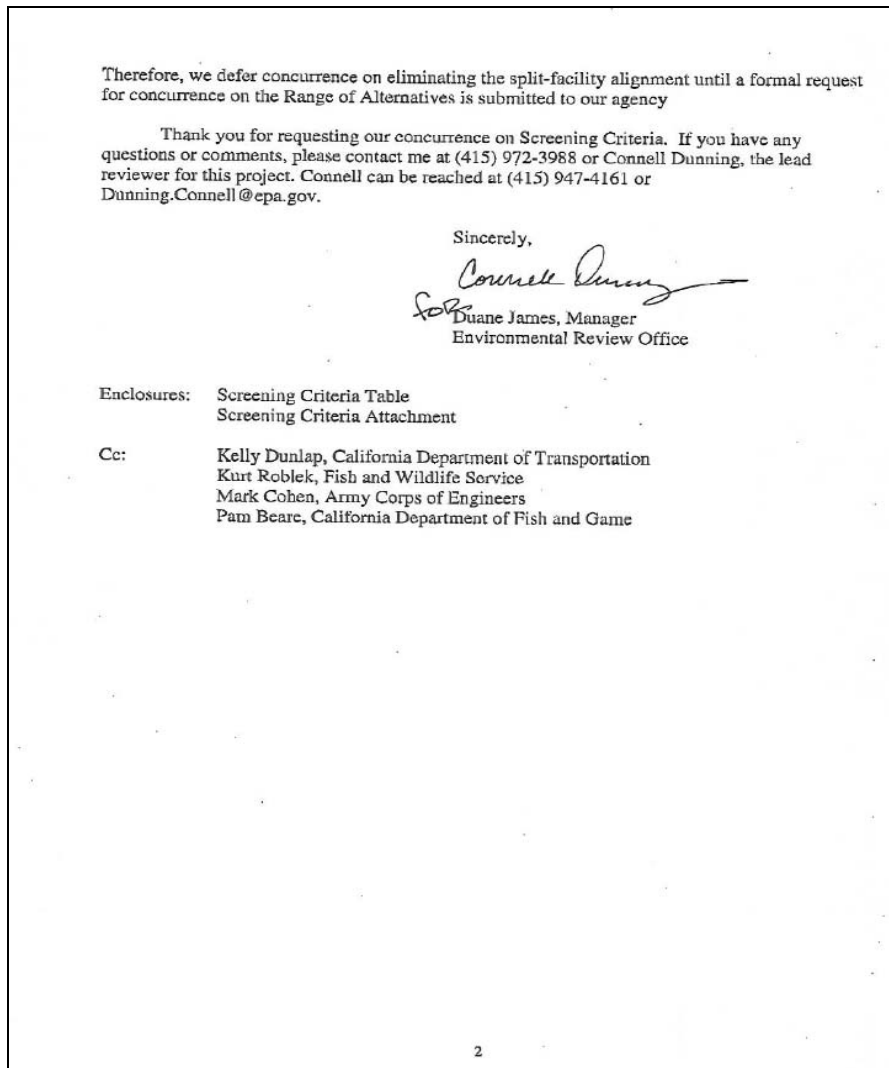


Figure 5.4-12 Response from EPA to Range of Alternatives

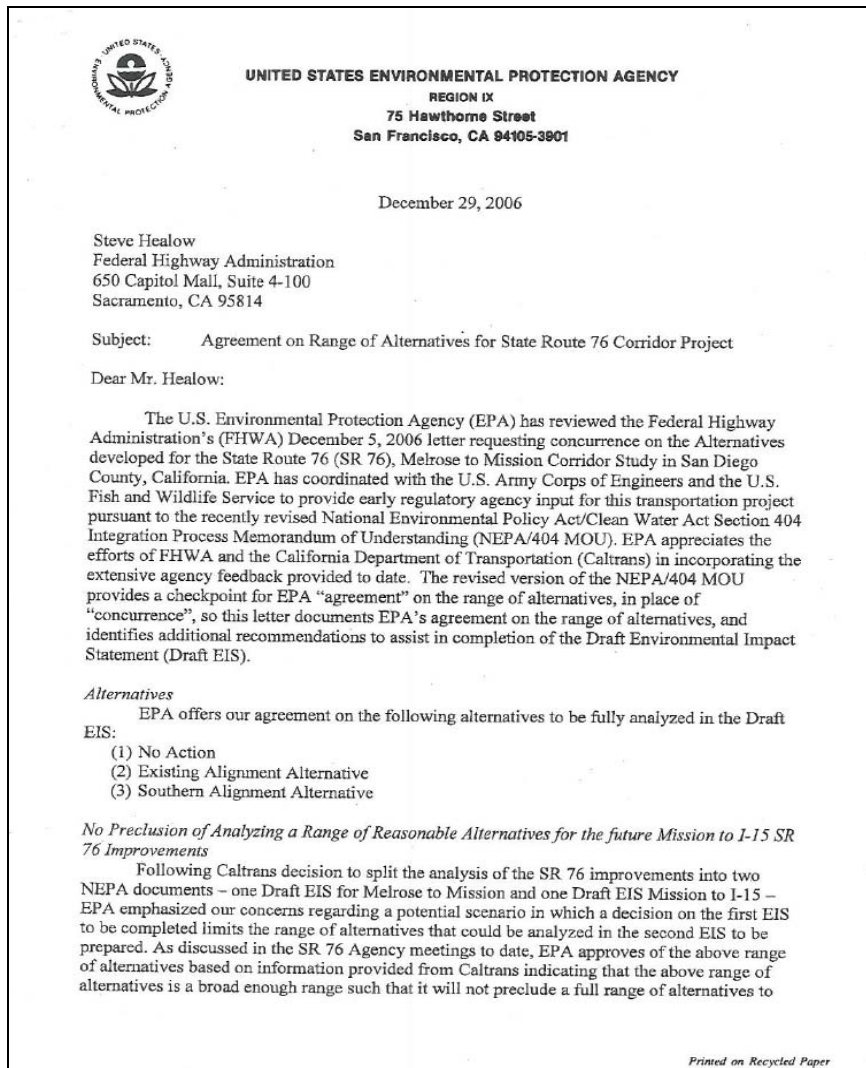


Figure 5.4-12 (p 2) Response from EPA to Range of Alternatives

be analyzed in the Mission to I-15 State Route 76 project. Should additional information become available indicating that the above range of alternatives precludes analysis of a reasonable range of alternatives for the future SR 76 improvements, EPA will revisit this agreement point.

Analysis of Cumulative Impacts


In our November 20, 2005 letter to Caltrans and FHWA concurring on the Purpose and Need for this project, EPA highlighted concerns regarding the need for a thorough cumulative impact analysis. Because it is reasonably foreseeable that improvements will occur east of the terminus of the proposed project and those improvements must directly link to this project, it is important that the cumulative impact analysis for Melrose to Mission specifically identify potential connection scenarios along with corresponding impacts to resources. This will be critical information for decision-makers to consider when determining the preferred alternative for this project. EPA will continue to be available through the NEPA/404 MOU coordination process to discuss available methodologies to complete a cumulative impacts assessment as part of the Melrose to Mission environmental document. We recommend the use of Caltrans' Cumulative Impact Guidance developed jointly between Caltrans, FHWA, and EPA, for this project. This guidance can be found at: [http://www.dot.ca.gov/ser/cumulative_guidance/purpose.htm].

Next Steps

As the next step in the NEPA/404 MOU integration process, we will review and provide comments on the Draft EIS and, subsequently, coordinate with FHWA, Caltrans, the Army Corps of Engineers and U.S. Fish and Wildlife Service on identification of the least environmentally damaging practicable alternative (LEDPA). Through this process, we will continue to provide feedback on specific design alternatives to continue to minimize impacts to environmental resources.

Thank you for requesting our agreement on the Range of Alternatives, and thank you for providing continuous updates on the design changes to the project with corresponding measurements related to impacts avoided. We look forward to providing you with feedback on the cumulative impacts analysis. Please let us know when you have materials for our review. If you have any questions or comments in the mean time, please contact Connell Dunning, the lead reviewer for this project. Connell can be reached at (415) 947-4161 or Dunning.Connell@epa.gov.

Sincerely,


Paula Bisson, Manager
Environmental Review Office

Cc: Susanne Glasgow, California Department of Transportation
Kurt Roblek, Fish and Wildlife Service
Mark Cohen, Army Corps of Engineers
Pam Beare, California Department of Fish and Game

Figure 5.4-13 Response from ACOE to Selection Criteria and Range of Alternatives


	<p>DEPARTMENT OF THE ARMY LOS ANGELES DISTRICT, CORPS OF ENGINEERS P.O. BOX 532711 LOS ANGELES, CALIFORNIA 90053-2325</p>
<p>REPLY TO ATTENTION OF: Office of the Chief Regulatory Branch</p>	<p>March 7, 2007</p>
<p>Susanne Glasgow Deputy District Director, Environmental Division California Department of Transportation District 11, MS-242 4050 Taylor Street San Diego, CA 92110-2737</p>	
<p>File Number: SPL-2005-2063</p>	
<p>Dear Ms. Glasgow:</p>	
<p>I am responding to your letter, dated December 5, 2006, requesting agreement on project alternatives to be evaluated in the Draft Environmental Impact Statement (DEIS) for the State Route 76, Melrose Drive to South Mission Road project located in northern San Diego County, California.</p>	
<p>We have reviewed the list of project alternatives: (1) No build, (2) Existing Alignment, and (3) Southern Alignment. Early coordination and feedback on the alternatives has been provided through the National Environmental Policy Act/Clean Water Act Section 404 Integration Process Memorandum of Understanding (NEPA/404 MOU). After extensive review, we are pleased to provide concurrence on these project alternatives.</p>	
<p>Though this project was split from the proposed State Route 76, Mission Road to I-15 project, planning for the latter remains an influence on the former, specifically with respect to its connection at South Mission Road. As we move forward, we expect to better understand this relationship, and its effect on the "middle" project, through a robust cumulative impacts analysis.</p>	
<p>We look forward to participating in the evaluation phase of the proposed State Route 76 Melrose Drive to South Mission Road project alternatives. If you have any questions, please contact Mark Cohen of my staff at (213) 452-3413.</p>	

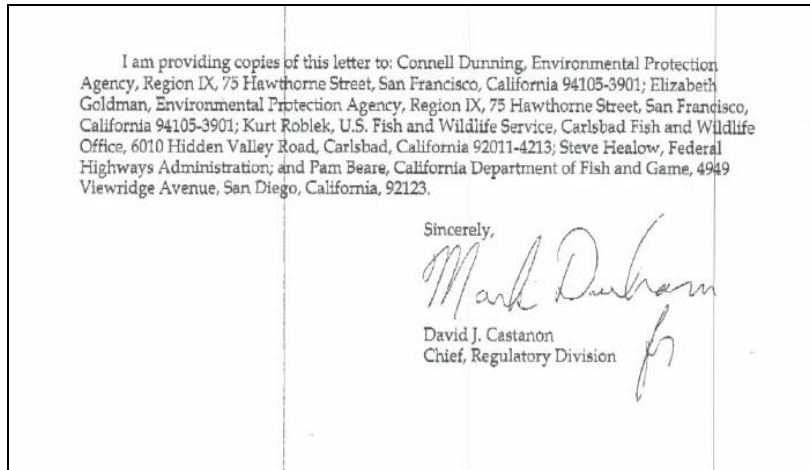
Figure 5.4-13 (p 2) Response from ACOE to Selection Criteria and Range of Alternatives

Figure 5.4-14 Notice of Availability

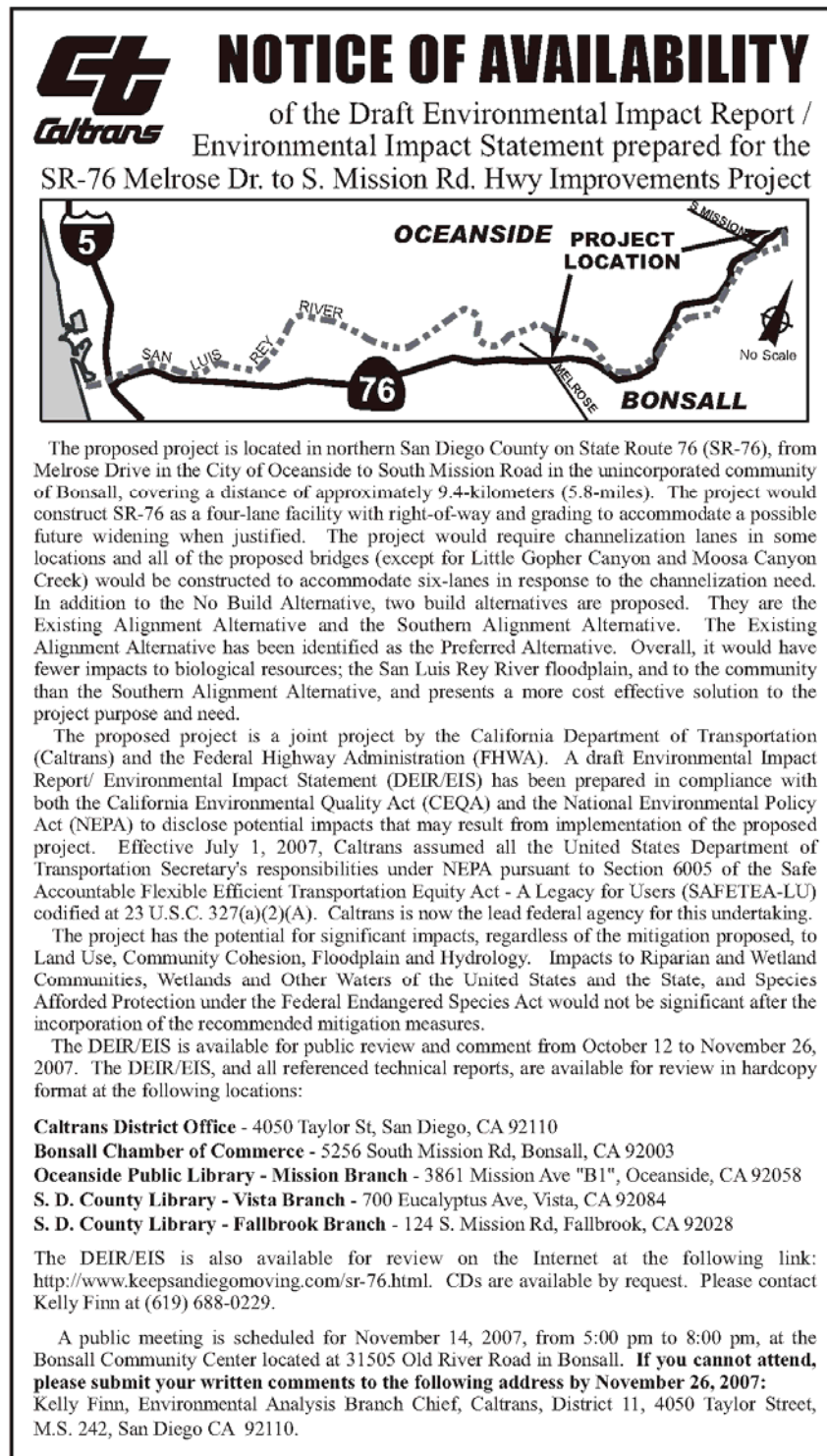


Figure 5.4-14 (p 2) Notice of Availability



AVISO DE DISPONIBILIDAD

del Reporte Preliminar de Impacto Ambiental/ Declaración
de Impacto Ambiental preparado para el Proyecto
de Mejoras a la Carretera Estatal 76 (Melrose Dr. a S. Mission Road)



El proyecto propuesto se encuentra ubicado en el norte del Condado de San Diego en la Carretera Estatal 76 (SR-76) desde Melrose Drive en la Ciudad de Oceanside hasta South Mission Road en la comunidad no incorporada de Bonsall, cubriendo una distancia de aproximadamente 9.4 kilómetros (5.8 millas). Este proyecto construiría la carretera SR-76 como una vialidad de cuatro carriles con derecho de vía y preparación para acomodar una posible futura ampliación, cuando se justifique. El proyecto requeriría carriles de canalización en algunos lugares y todos los puentes propuestos (a excepción de Little Gopher Canyon y Moosa Canyon Creek) serían construidos para acomodar seis carriles en respuesta a la necesidad de canalización. Además de la Alternativa "No Construcción" (No Build), dos alternativas que implicarían construcción se han propuesto - la Alternativa del Alineamiento Existente y la Alternativa del Alineamiento Sur. La Alternativa del Alineamiento Existente ha sido identificada como la Alternativa Más Adecuada (Preferida). En términos generales, esta alternativa impactaría en menor grado los recursos biológicos; así como al área sujeta a inundaciones del Río San Luis Rey, a la comunidad, y presenta una solución económicamente más efectiva de acuerdo al propósito y necesidad del proyecto.

Este es un proyecto conjunto del Departamento de Transporte de California (Caltrans) y la Administración Federal de Carreteras (FHWA). Un Reporte Preliminar de Impacto Ambiental/Declaración de Impacto Ambiental (DEIR/EIS) ha sido preparado en cumplimiento con la Ley de Calidad Ambiental de California (CEQA) y la Ley de Política Ambiental Nacional (NEPA) para dar a conocer los impactos potenciales que pudieran resultar de la implementación del proyecto propuesto. A partir del 1 de Julio de 2007, Caltrans asumió todas las responsabilidades del Secretario del Departamento de Transporte de Estados Unidos bajo la ley NEPA en cumplimiento con la Sección 6005 de la Ley Segura Responsable Flexible Eficiente de Equidad en el Transporte - Un Legado para los Usuarios (SAFETY - LU) compilada en el 23 U.S.C. 327(a)(2)(A). Caltrans es ahora la agencia que encabeza esta tarea.

El proyecto puede impactar significativamente, a pesar de la mitigación propuesta, el Uso de Suelo, la Unión Comunitaria, el Área sujeta a Inundaciones y a la Hidrología. Impactos a Comunidades Riberenas, de Humedales (tierras húmedas), Humedales y otros cuerpos de Agua de los Estados Unidos y del Estado, así como a Especies Protegidas bajo la Ley Federal de Especies en Peligro de Extinción no serían significativos una vez incorporadas las medidas de mitigación recomendadas.

El DEIR/EIS está disponible para revisión pública y comentarios desde el 12 de octubre hasta el 26 de noviembre de 2007. El DEIR/EIS así como todos los reportes técnicos de referencia están disponibles para su revisión en formato de copia impresa en los siguientes lugares:

Oficina de Distrito de Caltrans - 4050 Taylor St, San Diego, CA 92110
Cámara de Comercio de Bonsall - 5256 South Mission Rd, Bonsall, CA 92003
Biblioteca Pública de Oceanside - Sucursal Mission - 3861 Mission Ave "B1", Oceanside, CA 92058
Biblioteca del Condado de S.D. - Sucursal Vista - 700 Eucalyptus Ave, Vista, CA 92084
Biblioteca del Condado de S.D. - Sucursal Fallbrook - 124 S. Mission Rd, Fallbrook, CA 92028

El DEIR/EIS también está disponible para su revisión en la siguiente página de Internet:
<http://www.keepsandiegomoving.com/sr-76.html>. CDs están disponibles a solicitud de los mismos.
 Favor de contactar a Kelly Finn al (619) 688-0229.

Una reunión pública ha sido programada para el 14 de noviembre de 2007, de 5:00 a 8:00 pm, en el Centro Comunitario de Bonsall (Bonsall Community Center) ubicado en 31505 Old River Road en Bonsall. Si usted no puede asistir, por favor envíe sus comentarios por escrito, a más tardar el 26 de noviembre de 2007, a la siguiente dirección: Kelly Finn, Environmental Analysis Branch Chief, Caltrans, District 11, 4050 Taylor Street, M.S. 242, San Diego CA 92110. Para información general sobre asuntos de transporte, por favor llame a la Oficina de Información Pública de Caltrans al (619) 688-6670.

Personas que requieran acomodo especial (intérprete de Lenguaje Americano para Sordos, asientos accesibles, documentación en formatos alternos, etc.) se les pide que contacten a la Oficina de Información Pública de Caltrans llamando al (619) 688-6670 al menos 21 días antes de la fecha programada de la audiencia. Usuarios TDD pueden contactar a la línea TDD del California Relay Service llamando al 1-800-735-2929 o a la Línea de Voz llamando al 1-800-735-2922.

Figure 5.4-15 SR-76 DEIR/DEIS in Federal Register

Federal Register / Vol. 72, No. 197 / Friday, October 12, 2007 / Notices		58081
<p>Meagher, Wheatland, Sweetgrass and Park Counties, MT. Wait Period Ends: 11/13/2007. Contact: Dick Schwewe 406-791-7700</p> <p>EIS No. 20070414, Final EIS, AFS, MT, Rocky Mountain Ranger District Travel Management Plan, Proposes to Change the Management of Motorized and Non-Motorized Travel, Lewis and Clark National Forest, Glacier, Pondera, Teton and Lewis and Clark Counties, MT. Wait Period Ends: 11/13/2007. Contact: Dick Schwewe 406-791-7700</p> <p>EIS No. 20070415, Final EIS, AFS, UT, Ogden Ranger District Travel Plan Revision, To Present Additional Analysis for Six Alternatives, Wasatch-Cache National Forest, Ogden Ranger District, Box Elder, Cache, Morgan, Weber and Rich Counties, UT. Wait Period Ends: 11/13/2007. Contact: Rick Vallejos 801-625-5112</p> <p>EIS No. 20070416, Draft EIS, BLM, WY, Moxa Arch Area Infill Gas Development Project, Drill, Extract, Remove, and Market Natural Gas Under Valid Existing Oil and Gas Leases, Approval, Right-of-Way Grants and U.S. Army COE Section 404 Permit (s), Lincoln, Uinta and Sweetwater Counties, WY. Comment Period Ends: 12/11/2007. Contact: Michele Easley 307-838-4524</p> <p>EIS No. 20070417, Final EIS, FHW, DC, 11th Street Bridges Project, Anacostia Freeway I-295/DC 295, to the Southeast/Southwest Freeway (I-695) Improvement, Funding, NPDES Permit, U.S. Army COE section 10 and 404 Permits, Washington, DC. Wait Period Ends: 11/13/2007. Contact: Bart Clark 202-671-4710</p> <p>EIS No. 20070418, Final EIS, NPS, NG, North Shore Road, Great Smoky Mountains National Park, General Management Plan, Implementation, Fontana Dam, Swain County, NC. Wait Period Ends: 11/13/2007. Contact: Inelda Wegwerth 865-436-1302</p> <p>EIS No. 20070419, Draft EIS, BLM, UT, Kanab Field Office Resource Management Plan, Implementation, Portions of Kane and Garfield Counties, UT. Comment Period Ends: 01/10/2008. Contact: Keith Rigtrap 435-644-4622</p> <p>EIS No. 20070420, Draft EIS, SFW, CA, Agua Caliente Tribal Habitat Conservation Plan (THCP), Application for an Incidental Take Permit for 24 Covered Species, Coachella Valley, Riverside County, CA. Comment Period Ends: 11/26/2007. Contact: Jim Bartel 760-431-9440</p>		
<p>EIS No. 20070421, Draft EIS, BLM, NV, Toiyabe Energy Project, Construction and Operation a 750 Megawatt Coal-Fired Generation Facility, Right-of-Way Grant, Lincoln and Clark Counties, NV. Comment Period Ends: 12/11/2007. Contact: Brenda Linnell 775-289-1808</p> <p>EIS No. 20070422, Draft EIS, FHW, TN, US 127/ TN 28 Improvements, from 1-40 at Crossville to TN 62 at Clarkrange, Funding, U.S. Army COE Section 10 and 404 Permits, Cumberland and Fentress Counties, TN. Comment Period Ends: 11/26/2007. Contact: Leigh Ann Tribble 615-781-5760</p> <p>EIS No. 20070423, Final EIS, AFS, 00, Great Basin Creek South Rangeland Management Projects, Management of 12 Livestock Grazing Allotments, Bridgeport Ranger District, Humboldt-Toiyabe National Forest, Lyon and Mineral Counties, NV and Mono County, CA. Wait Period Ends: 11/13/2007. Contact: Amy Baumer 760-932-7070</p> <p>EIS No. 20070424, Final EIS, BPA, WA, Port Angeles—Juan de Fuca Transmission Project, Construct a 550-Megawatt Direct Current Cable from Victoria, British Columbia, across the Strait of Juan de Fuca to Port Angeles, Presidential Permit, Clallam County, WA. Wait Period Ends: 11/13/2007. Contact: Stacy Mason 503-230f-5455</p> <p>EIS No. 20070425, Draft EIS, COE, 00, Wolf Dam/Lake Cumberland Project, Emergency Measures in Response to Seepage, Mississippi River, South Central Kentucky and Central Tennessee. Comment Period Ends: 11/26/2007. Contact: Chip Hall 615-736-7666</p> <p>EIS No. 20070426, Draft EIS, FHW, CA, CA-76 Corridor Project, Transportation Improvements from Melrose to South Mission Highway, San Diego County, CA. Comment Period Ends: 11/26/2007. Contact: Kelly Finn 619-688-0229.</p> <p>EIS No. 20070427, Final EIS, AFS, CA, SPI Road Project, Construction of an Access Road Across National Forest Land, Special Use Permit, Six Rivers National Forest, Lower Trinity Ranger District, Trinity County, CA. Wait Period Ends: 11/13/2007. Contact: Linda West 707-441-3561</p> <p>EIS No. 20070428, Second Draft Supplement, DOE, NV, Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, Nevada—Nevada Rail Transportation Corridor (DOE/EIS-0250F-S2D) and Rail Alignment for the Construction and</p>		

ENVIRONMENTAL PROTECTION AGENCY

[EPA-FRL-6691-0]

Environmental Impacts Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564-7167 or <http://www.epa.gov/compliance/nepa/>.
Weekly receipt of Environmental Impact Statements
Filed 10/01/2007 through 10/05/2007
Pursuant to 40 CFR 1506.9
EIS No. 20070413, Final EIS, AFS, MT, Little Belt-Castle-North Half Crazy Mountains Travel Management Plan, To Change the Management of Motorized and Non-motorized Travel on the Road, Trails, and Areas within, Belt Creek, Judith, Musselshell, and White Sulphur Springs Ranger Districts, Lewis and Clark National Forest, Cascade, Judith Basin,

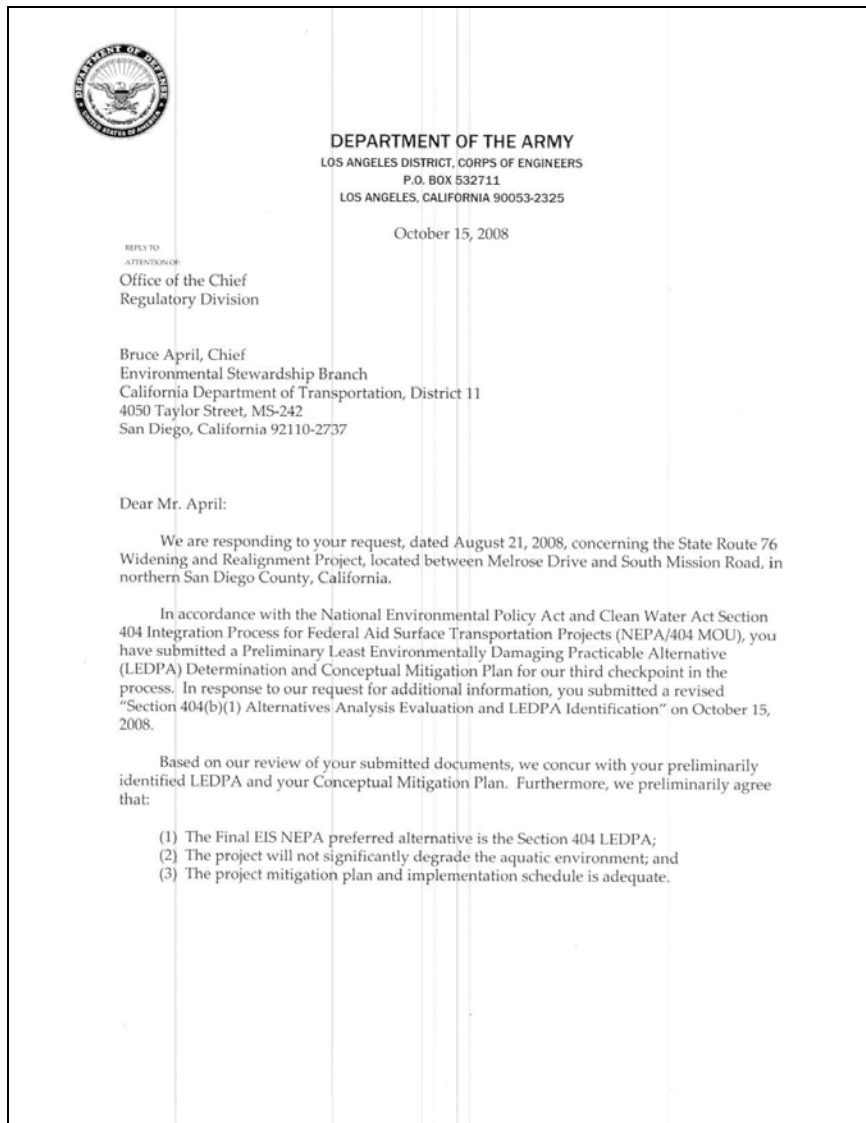
Figure 5.4-16 LEDPA Concurrence Letters

Figure 5.4-16 (p 2) LEDPA Concurrence Letters

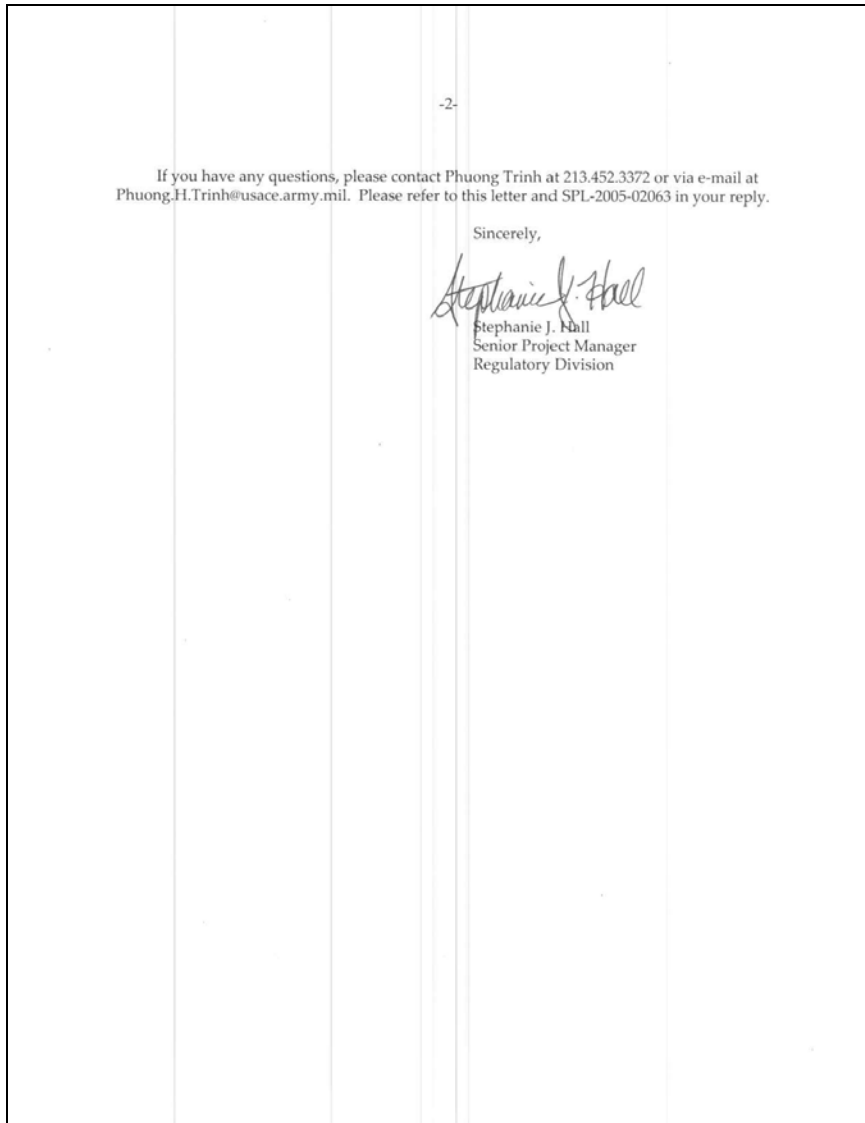



Figure 5.4-16 (p 3) LEDPA Concurrence Letters

OCT-14-2008 TUE 05:19 PM U.S.E.P.A. FAX NO. 4158478026 P. 02

 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

October 14, 2008

Bruce April
California Department of Transportation
District 11, MS-242
4050 Taylor Street
San Diego, California 92110-2737

Subject: Agreement on Preliminary Least Environmentally Damaging Practicable Alternative (LEDPA) for the State Route 76 (SR 76) Corridor Project (Melrose to Mission)

Dear Mr. April:

The U.S. Environmental Protection Agency (EPA) has reviewed the California Department of Transportation (Caltrans) August 21, 2008 letter requesting agreement on the preliminary least environmentally damaging practicable alternative (LEDPA) developed for the State Route 76 (SR 76), Melrose to Mission Highway Improvement Project in San Diego County, California. EPA provides our early input for this transportation project pursuant to the National Environmental Policy Act/Clean Water Act Section 404 Integration Process Memorandum of Understanding (NEPA/404 MOU).

EPA agrees that the Existing Alignment Alternative is the preliminary LEDPA. Our agreement is based on our review of the following documents provided in your August 21, 2008 letter and subsequent emails of October 8, 2008 and October 9, 2008: 1) the Section 404(b)(1) Alternatives Analysis Evaluation and LEDPA Identification (as revised on October 9, 2008); 2) Comparison Table of Alternative Impacts on Waters of the U.S. after Incorporation of Impact Minimization Measures (received October 8, 2008); 3) Draft Wetland Mitigation Plan for the State Route 76 Melrose to Mission Highway Improvement Project dated August 2008; and 4) State Route 76 Melrose to Mission Highway Improvement Project, State Route 76 Between Melrose Drive and South Mission Road Final Biological Assessment dated May 2008.

EPA will continue to be available through the NEPA/404 MOU coordination process to provide feedback on refinements of the conceptual mitigation plan and to further assist on minimizing project impacts to environmental resources. EPA will provide comments on the Final Environmental Impact Statement (EIS), as well as the U.S. Army Corps of Engineers Final Public Notice for the Clean Water Act Section 404 permit when those documents are published for public review.

Thank you for requesting our agreement on the preliminary LEDPA. If you have any questions or comments, please contact Susan Sturges, the lead reviewer for this

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Figure 5.4-16 (p 4) LEDPA Concurrence Letters

