

Chapter 5 **Comments and Coordination**

Early and continuing coordination with the general public and the Mid County Parkway (MCP) partner agencies has been 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 has been accomplished through a variety of formal and informal methods, including: the MCP website (<http://www.midcountyparkway.org/>), public scoping meetings held in late 2004 and August 2005, continued coordination with MCP partner agencies, monthly project team development meetings, meetings with other agencies and interested parties, and ongoing consultation with Native American tribes. This chapter summarizes the efforts of the Federal Highway Administration (FHWA), California Department of Transportation (Caltrans), and the Riverside County Transportation Commission (RCTC) to fully identify, address, and resolve project-related issues through early and continuing coordination.

5.1 Scoping Process

5.1.1 Prescoping Meetings

The environmental scoping process to involve the public on the MCP Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) was initiated with three Pre-Scoping Meetings held by RCTC in September 2004. These meetings were held in three different places: Valley Wide Recreation and Park District in the City of San Jacinto, Val Verde Unified School District in the City of Perris, and Eagle Glen Golf Course in the City of Corona, on September 21, 22, and 23, 2004, respectively. The meetings were held to seek citizen and agency input regarding potential concerns and benefits of a new corridor in the area of Cajalco Road and Ramona Expressway. Common issues raised were by individual property owners typically stating preferences for alternatives that were not on or near their properties and for environmental concerns (i.e., aesthetics, air quality, water quality, community impact, etc). This public input was used to develop preliminary project alternatives.

5.1.2 Scoping Meetings

In December 2004, three public scoping meetings were held in different locations within the study area. The first meeting was held at the Eagle Glen Golf Course in the City of Corona on December 7 (approximately 100 attendees). The second meeting was held at Lakeside Middle School in the City of Perris on December 9 (approximately 30 attendees), and the third meeting was held at Tomas Rivera Middle School in Perris on December 14 (approximately 100 attendees). Public notices were sent out for the Public Scoping meetings to the Press Enterprise, Sentinel Weekly News, Valley Chronicle, Perris Progress, Perris City News, and La Prensa. Dates of the publication of the notice were as follows:

- November 20, 2004: Press Enterprise (Hemet/San Jacinto Perris, Corona/Norco Moreno Valley, and Riverside Zones)
- November 24, 2004: Press Enterprise (Hemet/San Jacinto Perris, Corona/Norco Moreno Valley, and Riverside Zones), Perris Progress
- November 25, 2004: Press Enterprise (Hemet/San Jacinto Perris, Corona/Norco Moreno Valley, and Riverside Zones), Sentinel Weekly News
- November 26, 2004: Valley Chronicle, La Prensa
- November 27, 2004: Press Enterprise (Hemet/San Jacinto Perris, Corona/Norco Moreno Valley, and Riverside Zones)
- December 1, 2004: Press Enterprise (Hemet/San Jacinto Perris, Corona/Norco Moreno Valley, and Riverside Zones), Perris Progress
- December 2, 2004: Sentinel Weekly News, Perris City News
- December 3, 2004: Press Enterprise (Hemet/San Jacinto Perris, Corona/Norco Moreno Valley, and Riverside Zones), Valley Chronicle, La Prensa
- December 8, 2004: Perris Progress
- December 9, 2004: Perris City News
- December 14, 2004: Press Enterprise (Hemet/San Jacinto Perris, Corona/Norco Moreno Valley, and Riverside Zones)

The scoping meetings included exhibits and informational handouts about the project to help participants learn about the planning and environmental review process, the alternatives under consideration, and environmental effects of the proposed alternatives. Bilingual staff from RCTC and the consultant team were available at each meeting to assist attendees who were more comfortable communicating in Spanish. The first two scoping meetings included several information stations that were set up with display boards to provide information, including an aerial

photograph showing the proposed alternatives in the MCP study area. Breakout/small-group sessions were then held in which people could discuss benefits, drawbacks, impacts, and additional ideas for the MCP project. An entire group discussion followed in which conclusions from the breakout sessions were presented and the meetings were concluded.

Due to the large crowd anticipated for the third meeting, the meeting format was slightly modified to eliminate breakout sessions. Instead, attendees' written questions were read aloud and responded to by RCTC staff and project consultants. At all three meetings, these questions and responses were recorded on large wall graphics available in the *Scoping Summary Report* (LSA, 2008).

On August 3, 2005, RCTC held a community meeting at the Columbia Elementary School in the city of Perris to present the two new alignments under consideration. At the meeting, RCTC also included: (1) a review of the project's purpose and need, (2) the history of the Alternatives, and (3) a review of the comments received during the original scoping process. Two hundred ninety-four (294) people attended the meeting and submitted their comments and/or concerns for the two new alignments. A copy of the agenda, the sign-in forms, and the comment cards are located in the *Scoping Summary Report* (LSA, 2008).

Additional public agency input was received from the distribution of a Notice of Preparation (NOP) on November 15, 2004, a publication of a Notice of Intent (NOI) in the Federal Register on November 22, 2004, and distribution of a Supplemental NOP on July 31, 2007. The NOPs and NOI were intended to advise the public that a joint EIR/EIS would be developed for an east-west transportation corridor in western Riverside County known as the Mid County Parkway. The Supplemental NOP was specifically issued to inform the public that a refined suite of Alternatives had been proposed since the previous NOP. The NOPs were circulated to public agencies and other interested parties and provided approximately 30 days for comment on the proposed MCP project. Comments were received from federal, state, and local agencies, as well as interested parties and the public, that provided valuable insights into the issues and concerns of potentially affected agencies, groups, and individuals. For a more detailed understanding of the issues and concerns identified in response to the NOPs and NOI, please see the NOP, NOI, and Supplemental NOP comment letters provided in the *Scoping Summary Report* (LSA, 2008). Copies of the NOPs and NOI are provided in Appendix J (Attachment 1) of this Draft EIR/EIS and in the

Scoping Summary Report (LSA, 2008), and summaries of the comments received from the NOPs and NOI are presented later in this chapter.

5.2 Consultation and Coordination with Public Agencies

A Small Working Group was established for the MCP project. The Small Working Group is a multi-agency collaborative including RCTC, Caltrans, FHWA, United States Fish and Wildlife Service (USFWS), United States Environmental Protection Agency (EPA), United States Army Corps of Engineers (USACE), California Department of Fish and Game (CDFG), and other agencies with an interest in the project. The Small Working Group is intended to discuss and give input at key decision points during the environmental review process. Participants are also able to participate in concurrent review of environmental documents and provide technical assistance. Key milestone actions of the MCP Small Working Group include concurrence on Purpose and Need (January 2004), preliminary concurrence on the initial suite of Alternatives (November 2004), consensus on evaluation criteria for selection of a Preferred Alternative (December 2004), preliminary agreement on a revised suite of Alternatives (November 2005), final agreement on the suite of Alternatives (May 2007), preliminary agreement to move forward in pursuing a Preferred Alternative (May 2007).

In addition to the Small Working Group meetings and monthly Project Development Team (PDT) meetings, meetings have been held with public agencies on an as-needed basis during the project's development. The following provides a chronological list of meetings and critical decisions with public agencies made during the MCP project development process:

- October 2003: Participating agencies (RCTC, Caltrans, FHWA, USFWS, USACE, EPA, CDFG and the County of Riverside) met and signed a Partnership Agreement committing to streamlined completion of the MCP project environmental review process. A copy of this agreement is included in Appendix J (Attachment 2).
- January 2004: A Statement of Purpose and Need was prepared and submitted to participating agencies for review. FHWA requested agency concurrence on the Purpose and Need statement. On January 29, 2004, and January 30, 2004, FHWA received concurrence from the USACE and EPA, respectively. Copies of the letters are included in Appendix J (Attachment 2).

- August 20, 2004: Preliminary meeting with the Pechanga Band of Luiseño Indians (Pechanga) and RCTC to discuss the MCP alignment in relation to cultural resources.
- September 20, 2004: RCTC sent letters to the USFWS, USACE, and EPA requesting preliminary concurrence on Alternatives to be carried forward in the environmental scoping process.
- October 4, 2004: As agreed upon at the August 20, 2004, meeting, the Pechanga Tribe met with the project consultant team to tour the project area and discuss impacts to cultural resources.
- October/November 2004: FHWA received preliminary concurrence on alternatives from the USACE and EPA (copies of the letters are included in Appendix J [Attachment 2]).
- December 2004–April 2005: Caltrans conducted four Value Analysis studies compliant with the National Highway System Act of 1995. The four Visual Analysis studies executed were on the State Route 79 (SR-79)/MCP interchange, Interstate 215 (I-215)/MCP interchange, Interstate 15 (I-15)/MCP interchange, and the mainline MCP.
- February 2, 2005: RCTC and the project consultant team met with the Pechanga Tribe to discuss cultural resource site avoidance.
- February 14, 2005: A field meeting with the Pechanga Tribe, RCTC, and the project consultant team was held to discuss culturally sensitive areas that may be impacted by the project.
- May 11, 2005: The Pechanga Tribe and the project consultant team visited a sacred site that the tribe requested be avoided.
- May–August 2005: The Metropolitan Water District of Southern California (Metropolitan) and the State Department of Water Resources (DWR) issued letters stating concerns with the close proximity of some of the MCP alignments to the Lake Mathews Dam, Lake Perris Dam, and adjoining facilities (copies of the letters are included in Appendix J [Attachment 2]).
- October 19, 2005: FHWA sent a request for preliminary concurrence on the revised range of Alternatives to be carried forward in the environmental process was submitted to participating agencies (copies of the letters are included in Appendix J [Attachment 2]).
- November/December 2005: FHWA received preliminary concurrence on Alternatives from the USACE and EPA and a response letter from USFWS indicating their informal role of providing technical assistance when requested (copies of the letters are included in Appendix J [Attachment 2]).

- October 2006: A field review was conducted with USACE and EPA staff to verify results of the jurisdictional delineation.
- March 27, 2007: General project orientation meeting with Native American tribes that included the Cahuilla Band of Indians (Cahuilla), the Gabrieleno/Tongva San Gabriel Band of Mission Indians (Gabrieleno/Tongva-San Gabriel), the Morongo Band of Mission Indians (Morongo), the Pechanga, the Ramona Band of Cahuilla Indians (Ramona), and the Soboba Band of Luiseño Indians (Soboba) to discuss Extended Phase I Survey (XPI) fieldwork, monitoring, reporting, and project concerns.
- April 18, 2007: Metropolitan sent RCTC a letter requesting RCTC chooses an alignment that addresses concerns identified in the letter (copy of the letter is included in Appendix J [Attachment 2]).
- May 1, 2007: Field visit with the Cahuilla, Gabrieleno/Tongva-San Gabriel, Morongo, Pechanga, Ramona, and Soboba Native American Tribes to a sample of XPI sites.
- May 14, 2007: Meeting with the Cahuilla, Gabrieleno/Tongva-San Gabriel, Morongo, Pechanga, Ramona, and Soboba Native American Tribes to finalize monitoring of XPI fieldwork and address any further concerns before fieldwork began.
- May 2007: RCTC, Caltrans, and FHWA met with the State Historic Preservation Officer (SHPO) to discuss the process of determining eligibility and proposed phasing of the Section 106 process (a copy of the meeting summary is included in Appendix J [Attachment 2]).
- June 2007: RCTC met with staff from the Western Riverside County Regional Conservation Authority, USFWS, CDFG, and USA Waste (the permittee for the El Sobrante Landfill Multiple Species Habitat Conservation Plan [MSHCP]). As a result, refinements were made to the suite of Alternatives to minimize effects on the El Sobrante Landfill.
- July 24, 2007: RCTC and the project consultant team met with USFWS, Caltrans, CDFG, and the Regional Conservation Authority (RCA) to discuss the MCP approach for the MSHCP consistency analysis, and amendments to the Habitat Conservation Plan for the Stephens' kangaroo rat and the El Sobrante Landfill MSHCP.
- August 13, 2007: FHWA sent SHPO a letter identifying the cultural resource efforts made to date, the process, and what was planned for the future (a copy of the letter is included in Appendix J, Attachment 2).

- September 5, 2007: RCTC and the project consultant team met with USFWS and Caltrans to continue discussing MSHCP, EL Sobrante Habitat Conservation Plan, and Habitat Conservation Plan for the Stephens' kangaroo rat coordination and consistency analysis requirements for the MCP project.
- September 12, 2007: RCTC identified a locally preferred Alternative at the Commission meeting.
- September 28, 2007: FHWA sent letters to USACE, EPA, and USFWS requesting final concurrence on the suite of Alternatives to be discussed in the Draft EIR/EIS (copies of these letters are included in Appendix J, Attachment 2).
- October 5, 2007: RCTC and the project consultant team met with Caltrans and representatives from the Cahuilla, Gabrieleno/Tongva-San Gabriel, Morongo, Ramona, and Soboba Native American Tribes to discuss the Archaeological Evaluation Proposal (AEP) and the purpose, goals, and field methods to be used in the Phase II testing program.
- October 11, 2007: RCTC and the project consultant team met with the FHWA, Advisory Council on Historic Preservation (ACHP), Caltrans, and representatives from the Cahuilla, Gabrieleno/Tongva-San Gabriel, Pechanga, Ramona, and Soboba Native American Tribes. The meeting consisted of a field tour, discussion of field methods, and a subsequent discussion with tribal representatives regarding artifact curation and possible reburial.
- October 22, 2007: FHWA sent a letter to the Soboba Tribe in response to comments received from the tribe on the Draft AEP (a copy of the letter is included in Appendix J [Attachment 2]).
- October 24, 2007: FHWA sent a letter to the Pechanga Tribe in response to the comments received from the tribe on the Draft AEP (a copy of the letter is included in Appendix J [Attachment 2]).
- October 30, 2007: FHWA sent a letter to the Gabrieleno/Tongva-San Gabriel Tribe in response to comments received from the tribe on the Draft AEP (a copy of the letter is included in Appendix J [Attachment 2]).
- November 2, 2007: RCTC and the project consultant team met with the FHWA, Caltrans, and representatives from the Cahuilla, Morongo, and Soboba Native American Tribes during a morning tour of the Western Center for Archaeology and Paleontology (WCAP). RCTC also met in the afternoon with FHWA, Caltrans, and representatives from the Gabrieleno/Tongva-San Gabriel, Morongo, Pechanga, and Soboba Native American Tribes to address comments and concerns regarding the AEP and the testing program.

- November/December 2007: FHWA received final concurrence on the suite of Alternatives to be discussed in the Draft EIR/EIS from the USACE and EPA and a letter from USFWS stating their informal role (copies of the letters are included in Appendix J [Attachment 2]).
- December 19, 2007: RCTC and the project consultant team met with ACHP, SHPO, FHWA, and representatives of the Cahuilla, Gabrieleno/Tongva-San Gabriel, Gabrielino-Tongva, Pechanga, Ramona, and Soboba Native American Tribes to discuss the Preliminary Recommendations of Eligibility and Level of Effects memorandum that summarized the results of the testing program and the preliminary findings of the fieldwork, which was distributed to the tribes on December 14, 2007.
- January 10, 2008: RCTC and the project consultant team met in the field with representatives from the Cahuilla, Morongo, Pechanga, and Ramona Native American Tribes and confirmed that the nine possible cupule boulders of concern to the Pechanga Tribe were all outside of the MCP right of way.
- January 25, 2008: The Pechanga Tribe sent FHWA and RCTC a letter to provide comments on the Preliminary Recommendations of Eligibility and Level of Effects memorandum.
- January 29, 2008: RCTC and the project consultant team met with USA Waste, USFWS, CDFG, and the Riverside County Habitat Conservation Agency (RCHCA) to continue discussing the El Sobrante Habitat Conservation Plan.
- March 19, 2008: RCTC and the project consultant team participated in a teleconference with the transportation agencies (FHWA and Caltrans), SHPO, and ACHP to clarify the purpose, process, and distribution of the Preliminary Recommendations of Eligibility and Level of Effects memorandum as well as how the document would be incorporated into the Draft EIR/EIS.
- April 2, 2008: RCTC and the project consultant team met with the Bureau of Land Management (BLM) as a result of the letter submitted to RCTC by BLM in response to the Supplemental NOP.
- April 10, 2008: USACE sent RCTC a letter stating approval of the jurisdictional delineation for the MCP project (a copy of this letter is included in Appendix J, Attachment 2).
- April 21, 2008: RCTC sent letters to BLM and RCHCA summarizing the meeting and confirming the agreements reached on April 2, 2008 (a copy of these letters are included in Appendix J [Attachment 2]).
- May 5, 2008: RCHCA sent a response letter as requested by RCTC providing concurrence to the agreements reached at the April 2, 2008, meeting between

RCTC, BLM, and RCHCA (a copy of this letter is included in Appendix J [Attachment 2]).

- May 6, 2008: USA Waste (permittee of the El Sobrante Landfill) sent RCTC a letter regarding the El Sobrante Habitat Conservation Plan (a copy of this letter is included in Appendix J [Attachment 2]).
- May 9, 2008: FHWA sent the SHPO a letter requesting formal concurrence with the Phased Evaluation and FOE under Section 106 approach, as indicated by Mike McGuirt in the meeting held on May 23, 2007 (a copy of this letter is included in Appendix J [Attachment 2]).
- May 12, 2008: BLM sent a response letter as requested by RCTC providing concurrence on the agreements reached at the April 2, 2008, meeting between RCTC, BLM, and RCHCA (a copy of this letter is included in Appendix J [Attachment 2]).
- May 14, 2008: FHWA sent a letter to Caltrans stating acceptability (conditional approval) of the New/Modified Access Reports (a copy of this letter is included in Appendix J [Attachment 2]).
- May 16, 2008: FHWA sent a letter to the Pechanga Tribe in response to comments received from the tribe on January 25, 2008, for the Preliminary Recommendations of Eligibility and Levels of Effect memorandum (a copy of this letter is included in Appendix J [Attachment 2]).
- June 3, 2008: RCTC met with USA Waste to discuss the May 6, 2008, letter sent by USA Waste regarding impacts to the El Sobrante Landfill with implementation of the MCP project.
- June 27, 2008: SHPO sent a letter to FHWA stating concurrence on phased approach (a copy of this letter is included in Appendix J, Attachment 2).
- July 2, 2008: RCTC sent a letter to USA Waste to summarize the discussion and understandings reached at the June 3, 2008, meeting (a copy of this letter is included in Appendix J, Attachment 2).
- July 31, 2008: FHWA sent a letter to the State Historic Preservation Officer requesting a provisional concurrence on the preliminary determinations of eligibility regarding historic properties and provisional concurrence on a preliminary Finding of Adverse Effect (a copy of the letter is provided in Appendix J, Attachment 2).
- August 28, 2008: SHPO sent FHWA a letter stating concurrence on preliminary determination of eligibility regarding historic properties and finding of adverse effect.

5.3 Responses to the Notice of Preparation

The NOP was published on November 15, 2004 (State Clearinghouse No. 2004111103). Comments in response to the NOP were received by RCTC and are included in Appendix J (Attachment 3). Many of the comments received identified areas of concern that RCTC had expected to analyze in the Draft EIR/EIS. All substantive comments were considered by RCTC in developing the alternatives analyzed in the Draft EIR/EIS and are summarized below.

5.3.1 Summary of Major Issues/Comments in Response to the Notice of Preparation

Letters received in response to the NOP for the MCP project provided valuable insights into the issues and concerns of potentially affected agencies, groups, and individuals. While many of the letters identified topics that are required to be included in the Draft EIR/EIS, the information and opinions provided in the letters identify specific issues to be addressed in the Draft EIR/EIS. The key issues raised in the letters are listed below. For a more detailed understanding of the issues and concerns identified, please see the NOP response letters provided in Appendix J (Attachment 3).

5.3.1.1 State Agencies

Department of Fish and Game

- Natural Environment Study (NES)
- California Environmental Quality Act (CEQA) Requirements/EIR Approach
- County MSHCP, Section 7
- County MSHCP, Objectives
- Criteria Area/Criteria Cells/MSHCP Special Areas

Department of Parks and Recreation

- Lake Perris State Recreation Area (SRA)
- Public Safety
- Circulation
- Biological Resources
- Cultural Resources
- Section 4(f) Properties

Native American Heritage Commission (NAHC)

- Early consultation with tribes
- Archaeological mitigation

University of California, Riverside

- University of California Natural Reserve System

5.3.1.2 Regional Agencies

California Regional Water Quality Control Board, Santa Ana Region

- Sufficient right-of-way to accommodate Best Management Practices (BMPs)
- Section 404 of the Clean Water Act
- Section 401 Water Quality Certification
- Isolated waters of the state
- Inventory of channel crossings
- Special Area Management Plan (SAMP)
- Beneficial uses
- Cumulative impacts and County MSHCP
- Mitigation for biological resources

Metropolitan Transportation Authority (MTA)

- MTA and municipal transit services

Metropolitan Water District of Southern California, Environmental Planning

- Responsible Agency under CEQA
- Potentially affected Metropolitan facilities in study area
- Lake Mathews MSHCP
- Lake Mathews water quality
- Uninterrupted perimeter access to Lake Mathews for maintenance
- Metropolitan construction unit
- Central Pool Augmentation/Eagle Valley Treatment Plant
- Aqueduct and pipelines in study area
- Regional Growth Management Plan
- Water conservation

Southern California Association of Governments (SCAG)

- Regionally significant project
- Relevant Regional Comprehensive Plan and Guidelines (RCP&G) policies

5.3.1.3 County Agencies

County of Orange Planning and Development Services Department

- No comment/continued involvement

County of Riverside, Supervisor Bob Buster, First District

- Study Cajalco Expressway between I-15 and I-215, considering a four-lane facility on approximately the existing alignment
- Future configuration of Cajalco
- Avoid encroaching on the north side of Lake Mathews
- Trails
- Improve existing freeway facilities

Riverside County Flood Control and Water Conservation District

- National Pollutant Discharge Elimination System (NPDES) requirements
- Existing District facilities
- Construction impacts to storm drains
- Applicable drainage plans/impacts to drainage plan facilities
- Municipal NPDES Permit/Water Quality Management Plan (WQMP)

Riverside County Habitat Conservation Agency

- Impacts to the Lake Mathews Stephens' Kangaroo Rat Reserve
- Impacts to the San Jacinto/Lake Perris Stephens' Kangaroo Rat Reserve
- Mitigation consistent with the Habitat Conservation Plan for the Stephens' kangaroo rat
- Public facilities allowed in core reserves of Habitat Conservation Plan for the Stephens' kangaroo rat/Mitigation required

Riverside County Waste Management Department

- No facilities in study area
- Impacts to three county landfills
- Construction traffic impacts
- Landfill capacity
- Suggested mitigation

5.3.1.4 Cities

City of Corona, Public Works Department

- Impacts to State Route 91 (SR-91)
- Related transportation improvements

- Relationship of project to the Orange County/Riverside County Project
- Impacts to local streets
- Project funding

City of Perris, Community Development Department, Planning Division

- The City identified itself as a Responsible Agency
- Support for North Perris alignment
- San Jacinto River Plan/Flooding
- Concerns that South Perris Alternatives divide existing and developing communities
- Land use/economic effects
- Impact of South Perris Alternatives on circulation
- New City General Plan

City of Perris, Community Development Department, Planning Division

- Resolution of the City Council supporting the North Perris alignment

5.3.1.5 Interested Groups and Organizations

Cahuilla Tribal Environmental Office

- No specific information on cultural resources in the study area
- On-site construction monitoring for cultural resources

Center for Biological Diversity, Idyllwild Office

- Endangered species preserves
- Lake Mathews-Estelle Mountain Preserve
- Lake Perris-San Jacinto Wildlife Area
- National Environmental Policy Act (NEPA) requirements
- CEQA requirements
- Threatened, endangered, and sensitive species
- Wildlife movement
- Air quality impacts
- Growth-inducing impacts
- Range of feasible alternatives

Friends of the Northern San Jacinto Valley

- Definition of parkway
- Air quality

- Alternatives
- No Project
- Mitigation for impacts to established preserves
- Global warming
- Increasing oil prices
- Transit
- Need for project/widening existing Ramona Expressway, Cajalco Expressway, and El Sobrante Road to four lanes
- Biological resources
- San Jacinto Wildlife Area
- Lake Mathews Multi-Species Conservation Area
- Indirect effects
- Cumulative effects
- Community impacts
- Floodplain evaluation
- Wetlands
- Flooding
- Geology and soils
- Hazardous waste
- Light pollution
- Noise
- Public services and utilities
- Section 4(f) properties
- Transportation/traffic
- Need for project
- Alternative modes
- Visual
- Water resources
- San Jacinto River
- Metropolitan facilities
- Safety
- Trails
- Wildlife corridors
- Gilman Springs Road/Mystic Lake
- Fiscal analysis
- Multiple attachments to letter are included

Morongo Band of Indians

- Continued involvement in the process
- Recognizes the need for improved traffic flow

San Bernardino Valley Audubon Society

- Sensitive species
- Habitat Conservation Plan for the Stephens' kangaroo rat
- San Jacinto Wildlife Area
- El Sobrante Landfill Mitigation Area
- Growth inducement and cumulative effects
- Alternatives

Santa Ana Mountains Task Force and San Gorgonio Chapter, Sierra Club

- Relationship of project to the Hemet to Corona/Lake Elsinore (HCLE) Tier 1 Draft EIR/EIS
- Relationship of project to the Orange County/Riverside County Project
- Regional transportation and land use planning
- Project cost and funding
- Alternative modes of transportation/Transit Alternative
- No Build Alternative/improve existing roads plus reduced reliance on the automobile
- Growth inducement
- Transportation demand reduction
- Improvements to existing road
- Cumulative impacts
- Impacts to National Forest
- Air quality conformity/State Implementation Plan
- Global warming
- Reduced travel demand as a result of high oil prices

Sierra Club, San Gorgonio Chapter, Moreno Valley

- San Jacinto Flood Control Project
- Impacts to vernal pools
- Impacts to sensitive/listed species, including Stephens' kangaroo rat
- Wildlife crossings
- No Project Alternative

- Lake Mathews MSHCP
- Air quality and air quality conformity
- Orange County/Riverside County Project
- Growth inducement/indirect effects
- Environmental justice/community impacts
- San Jacinto Wildlife Area
- Aesthetics

Southern California Edison, Ontario Office

- Continued involvement
- Requests copies of project plans

Southern California Edison, Romoland Office

- Ability to meet demand for electricity
- Include relocation of Southern California Edison (SCE) facilities in the EIR

Individual (one comment sent via email by Debbie Murataya)

- Property/home acquisition
- Fair compensation
- Need for 5–10 lanes
- Restrictions on buildings during planning phase
- Public meeting difficult to find

5.4 Responses to the Supplemental Notice of Preparation

The Supplemental NOP was published on July 31, 2007 (State Clearinghouse No. 2004111103) to request additional input on the revised suite of Alternatives for the MCP project. Comments in response to the Supplemental NOP were received by RCTC and are included in Appendix J (Attachment 4). All substantive comments have been considered by RCTC in developing the Alternatives to be analyzed in the Draft EIR/EIS and are summarized below.

5.4.1 Summary of Major Issues/Comments Received in Response to the Supplemental Notice of Preparation

Similar to the letters received in response to the NOP for the MCP project, letters for the Supplemental NOP provided additional insight into the issues and concerns of potentially affected agencies, groups, and individuals. The key issues raised in the letters are listed below. For a more detailed understanding of the issues and concerns

identified, please see the Supplemental NOP response letters provided in Appendix J (Attachment 4).

5.4.1.1 State Agencies

California Department of Transportation

- Agreement with the refined suite of Alternatives

Native American Heritage Commission

- Early consultation with tribes
- Archaeological mitigation

State Clearinghouse and Planning Unit

- Responsible Agencies

University of California, Riverside

- Natural resource system
- Motte Rimrock Reserve Conservation Unit
- Connectivity
- Habitat fragmentation
- Edge effect
- Light pollution
- Fire risk

5.4.1.2 Regional Agencies

California Regional Water Quality Control Board, Santa Ana Region

- Postconstruction permanent BMPs
- Storm water and non-storm water runoff

Metropolitan Water District of Southern California, Environmental Planning

- Potentially affected Metropolitan facilities in study area
- Lake Mathews MSHCP
- Lake Mathews water quality
- Lake Mathews Drainage WQMP
- Impacts to Metropolitan operational facilities and right of way
- Security

Metropolitan Transit Authority

- Climate change
- Truck transport

Santa Ana Watershed Project Authority

- Santa Ana Regional Interceptor (SARI) line

South Coast Air Quality Management District

- Construction and operational air quality impacts
- Particulate matter with a diameter of 2.5 microns or smaller (PM_{2.5})
- Mobile Source Health Risk Assessment

Southern California Association of Governments

- Regional Comprehensive Plan (RCP)
- Regional Transportation Plan (RTP)
- Compass Growth Vision (CGV)

5.4.1.3 County Agencies

Riverside County Flood Control and Water Conservation District

- Drainage
- Master Drainage Plan facilities

5.4.1.4 City Agencies

City of Moreno Valley, Public Works Department

- Traffic
- Do not support Alternative 1A

City of Perris, Development Services Department

- Circulation
- Noise and aesthetic impacts
- Locations of interchanges and overcrossings
- Drainage
- Perris Valley Channel

City of Riverside, Community Development Department

- Regional plans
- MSHCP

- Community impacts
- Traffic

5.4.1.5 Interested Groups and Organizations

Agua Caliente Band of Cahuilla Indians

- Monitoring of testing and construction activities
- Discovery of human remains

California Native Plant Society

- Hydrology
- Sensitive habitats
- Western Riverside County MSHCP
- Habitat Conservation Plan for the Stephens' kangaroo rat
- Construction impacts
- Fire frequency
- Dumping
- Off-road vehicle use
- Nitrogen deposition
- Light pollution

Center for Biological Diversity

- Endangered species preserves
- NEPA requirements
- CEQA requirements
- Threatened, endangered, and sensitive species
- Western Riverside County MSHCP
- Habitat Conservation Plan for the Stephens' kangaroo rat
- Motte Rimrock Reserve
- Air quality impacts
- Growth-inducing impacts
- Range of feasible alternatives
- Greenhouse gas emissions (GHGs)

Endangered Habitats League

- Western Riverside County MSHCP
- Bus Rapid Transit

Friends of the Northern San Jacinto Valley

- MSHCP
- Section 4(f) properties
- Noise pollution
- Light pollution
- Interchanges
- San Jacinto River

Pechanga Cultural Resources, Temecula Band of Luiseño Mission Indians

- Consultation and coordination
- Pechanga cultural affiliation to the project area
- Impacts to cultural resources
- Government-to-government consultation
- Mitigation

Sierra Club

- Climate change
- Traffic on I-15

Sierra Club, San Geronimo Chapter

- Level of service
- Horse/large animal crossings
- Lake Perris Dam
- Social justice
- Growth-inducing impacts
- GHGs
- Farmland impacts
- Wetland/stream/river impacts
- Connectivity
- Noise
- Run-off
- Scenic roadway
- Bridge Street
- Landscape
- Construction materials

- Lighting
- Local circulation

Sprint

No issues raised/no further involvement

USA Waste of California, Inc.

- El Sobrante Landfill MSHCP
- Biological resources
- Geology and soils
- Air quality
- Transportation/traffic
- Visual
- Alternatives

Individual (Steve Freers)

- Geotechnical hazards
- Public health and safety

Individual (Michael A. McKibben, Ph.D.)

- Western Riverside County MSHCP
- Habitat Conservation Plan for the Stephens' kangaroo rat

Individual (Leonard Nunney)

- Cost
- Property acquisition
- Traffic congestion
- Litigation
- Support for Alternative 9

5.5 Responses to the Notice of Intent

The NOI was published in the Federal Register on November 22, 2004. Comments in response to the NOI were received by both FHWA and RCTC and are summarized in the following section. Many of the comments received identified areas of concern that FHWA and RCTC had already identified for analysis in the Draft EIR/EIS.

Substantive comments that are addressed in the Draft EIR/EIS are summarized below.

5.5.1 Summary of Major Issues/Comments Received in Response to the Notice of Intent

Letters received in response to the issuance of the NOI for the MCP project provided valuable insight into the issues and concerns of potentially affected agencies, groups, and individuals. While many of the letters identified topics that are required to be included in the Draft EIR/EIS, the information and opinions provided in the letters identify specific issues to be addressed in the Draft EIR/EIS. The key issues raised in the letters are listed below. For a more detailed understanding of the issues and concerns identified, please see the NOI response letters provided in Appendix J (Attachment 5).

5.5.1.1 Federal

United States Department of Agriculture, Natural Resources Conservation Service

- Scenic highway status
- Class I Bike Path
- Proposed wildlife corridor
- Loss of farmland
- Loss of agricultural soil
- Loss of floodplain

United States Fish and Wildlife Service

- Potential impacts to the Lake Mathews MSHCP and the Habitat Conservation Plan for the Stephens' kangaroo rat
- Riverside County MSHCP criteria
- Potential impacts to the MSHCP reserve configuration and function
- Section 404 (b)(1) Guidelines

United States Environmental Protection Agency, Region IX

- Water resources
- Section 404 Permit
- Clean Water Act Section 401(b)(I)
- Waters of the United States
- Section 303(d) of the Clean Water Act
- Air quality
- Criteria pollutants
- Priority air toxics

- Construction emissions mitigation
- Environmental justice and community involvement
- Cumulative Impact Analysis
- Threatened and endangered species habitat
- Cultural Resources/Section 106 of the National Historic Preservation Act of 1966
- Noise

5.6 Public Participation

5.6.1 Public Participation

Public participation for the MCP project included public meetings, the MCP Web site, and several newsletters.

5.6.2 Meetings

The RCTC held several public informational meetings for the MCP project. In addition to the pre-scoping and scoping meetings discussed above, public hearings will be held after the release of the Draft EIR/EIS. Details regarding these meetings will be disclosed in the Final EIR/EIS.

5.6.3 Web Site

A Web site for the MCP project (www.midcountyparkway.org) has provided the public comprehensive information about the MCP planning process, including the development of the MCP Alternatives, and a means to comment on the project. The MCP Web site provides an opportunity for the public to e-mail comments and questions directly to RCTC. Notices of public meetings are also posted on the Web site. A link to this Web site is provided on the RCTC Web site at www.rctc.org.

5.6.4 Newsletter

Several MCP newsletters containing important updates to the project were mailed out to the public. Copies of the newsletters are provided in Appendix J (Attachment 6). The following is a listing of the publication date and general message of each newsletter:

- September 2004: The newsletter addressed the project's purpose and need, location, funding, benefits, process, and schedule.

- November 2004: The newsletter addressed eight initial Alternatives that were studied as part of the project, what environmental studies were conducted, and an update on the public meetings.
- July 2005: The newsletter gave an update on the Alternatives under consideration, including the new addition of the Far South Alternative as a result of the Caltrans Value Analysis Study. The newsletter included general criteria comparing each Alternative.
- September 2007: The newsletter informed the public of RCTC's identification of Alternative 9 Temescal Wash Area Design Variation (TWS DV) as the locally preferred alternative and the benefits that accompany the identification of the Preferred Alternative.

5.7 Tribal Coordination

The NAHC was contacted on August 9, 2004, and responded on August 19, 2004, with a list of 29 Native American tribes and contacts representing the Luiseño, Gabrielino, Cahuilla, and Serrano Tribes. A second list was received from the NAHC in December of 2004 in response to the Notice of Preparation of an EIR/EIS. This list included 14 additional Native American tribes and contacts. In total, the NAHC listed 43 Native American tribes and contacts. The NAHC Sacred Lands File was inspected for the MCP project; however, no Native American cultural resources were identified. As such, the NAHC recommended that the 43 Native American tribes and contacts be contacted and provided a list. Copies of NAHC correspondence are provided in Appendix J (Attachment 7).

In order to initiate Section 106 consultation, the 43 Native American tribes were contacted by letter and fax. All letters were sent on February 24, 2005, via United States certified mail and fax. Several of the 43 Native American tribes and contacts had specific concerns. Joseph Hamilton, Anthony Largo, Karen Kupcha, and Manuel Hamilton, all representing the Ramona Tribe, requested copies of the cultural resource report. On behalf of Robert J. Salgado, Sr., Charlene Ryan of the Soboba Tribe also requested a copy of the Cultural Resources Report. Anthony Morales of the Gabrieleno/Tongva-San Gabriel Tribe requested that he be present at any meeting regarding Native Americans. Ten (10) Native American tribes and contacts recommended construction monitoring.

The Pechanga Tribe was contacted early in the MCP project planning process because the County of Riverside was consulting with it on an archaeological site that was

within the boundaries of the Boulder Springs Specific Plan Area (Boulder Springs Ventures, LLC). On August 20, 2004, RCTC and LSA met with the Pechanga Tribe, who were represented by Amy Minniear, Laura Miranda, and Brenda Tomaras. The Pechanga Tribe commented that they were glad to be involved early in the planning process and expressed concerns about all the cultural resources within the MCP study area. It was agreed that the Pechanga Tribe would meet with the project consultant team at a later date to drive the alignment and visit potentially significant sites. On October 4, 2004, Amy Minniear accompanied Curt Duke of the project consultant team on a tour of the MCP corridor. Another meeting between the project consultant team and the Pechanga Tribe was held on February 2, 2005. This meeting was followed by a field meeting with the Pechanga Tribe, RCTC, and the project consultant team on February 14, 2005. On May 11, 2005, the Pechanga Tribe accompanied the project consultant team on an additional trip to visit a sacred site that the tribe requested be avoided by the project.

On May 4, 2006, the project consultant team representative initiated additional consultation to advise Native American tribes and contacts of the new Alternative 9 route to MCP added by RCTC. Certified letters were sent to the 43 Native American tribes and contacts on the list provided by the NAHC, and follow-up phone calls/e-mails were made between July 26 and August 30, 2006.

Eight Native American tribes and contacts expressed concerns with the new alternative. Anthony Morales (Gabrieleno/Tongva-San Gabriel), Robert Smith (Pala Band of Mission Indians), Cindi Alvitre (Ti'At Society), and William Contreras (Cupa Cultural Center) requested that Native American monitors be present during earthmoving activities. Alvino Siva, a Cahuilla contact, stated, "Our people were there because of Mystic Lake, so there will be sites," and also recommended Native American monitoring. Harold Arres requested a copy of the report on behalf of the Soboba Tribe and also that Native American monitoring be conducted. Maurice Chacon (Cahuilla), responding on behalf of Anthony Madrigal, expressed specific concern for the eastern portion of the project, and recommended Native American monitoring. Britt Wilson (Morongo) sent a letter stating that although the project was outside their current reservation boundaries, the Morongo Tribe requests a copy of the report.

5.7.1 Extended Phase I Survey

In November 2006, Native American consultation began for the MCP project XPI Survey as required by Section 106 of the National Historic Preservation Act. Consultation included eight parties identified during the Phase I survey consultation process as having a continued interest in the project. These parties included Mr. Alvino Siva, the Cupa Cultural Center, and the Cahuilla, Gabrieleno/Tongva-San Gabriel, Morongo, Pechanga, Ramona, and Soboba Tribes. All of these parties were contacted by telephone between the dates of November 27 and December 13, 2006. The phone calls were to inform the parties of the pending XPI fieldwork and determine what level of involvement they would prefer as the project progressed. Of the eight groups contacted, two declined further involvement for various reasons—The Cupa Cultural Center and Alvino Siva.

The six remaining parties were again contacted by telephone on March 13, 2007, as the start date of the XPI fieldwork drew closer. Each was asked if a representative from its group would be available to attend an orientation meeting to familiarize him or her with the project, address any comments or concerns, and define potential monitoring roles during the XPI fieldwork. All parties agreed to attend and a copy of the Draft XPI proposal was sent to each via overnight mail on March 14, 2007, for review prior to the meeting.

The meeting was held on March 27, 2007, at the RCTC offices located at 4080 Lemon Street, Third Floor, in Riverside, California. It was attended by representatives from the six Native American tribes (Cahuilla, Gabrieleno/Tongva-San Gabriel, Morongo, Pechanga, Ramona, and Soboba) as well as RCTC, Caltrans, and the consultants. An overview of the MCP project was provided, as was a discussion of the purpose, goals, and field methods to be used in the XPI. The Native American consultation process up to that point in the project was also discussed, along with possible areas and procedures for tribal monitoring. The Morongo Tribe deferred monitoring of the XPI fieldwork to the other five groups, but requested continued involvement and the opportunity to comment throughout the remainder of the MCP project. In addition, the Morongo Tribe requested to be able to visit sites at any time during the fieldwork outside of a monitoring capacity.

As a result of the March meeting, a field trip took place on May 1, 2007. It was attended by the six Native American tribes, RCTC, Caltrans, and consultant staff. The tribes had initially asked to see all of the sites included in the proposed XPI.

However, because of the large number of sites (77), it was determined by all that the scope of that endeavor would be time intensive and impractical. Instead, eight sites that were representative of the site types included in the XPI were visited.

A second meeting at the RCTC offices was scheduled for May 14, 2007, to address any remaining comments before the fieldwork began. Copies of the Archaeological Survey Report (ASR) for the project were sent to each of the six Native American tribes via overnight mail on May 2, 2007, for review prior to that meeting. Attendees at the May 14 meeting included the six tribes, RCTC, Caltrans, and consultant staff. After review of the ASR, the Pechanga Tribe retracted its desire to resurvey the project area and agreed that monitoring during the XPI and future phases of work would be sufficient. It was decided that, with the exception of the Gabrieleno/Tongva-San Gabriel Tribe, which declined monitoring for the XPI phase of the project, the remaining four tribes would participate equally in the monitoring with one paid tribal representative per archaeological crew.

Fieldwork for the XPI was conducted between May 29 and June 12, 2007. Four archaeological field crews were accompanied by a single monitor from one of the Cahuilla, Pechanga, Ramona, or Soboba Tribes. The crews were commonly accompanied by more than one tribal monitor, based on any special interest shown to a particular site by the various tribes.

One discovery during the XPI required notification of the Riverside County Coroner's Office. On Friday, June 8, 2007, the field crew located a bone from a medium-sized mammal in Shovel Test Pit (STP) No. 5 at Archaeological Site AE-S-194. LSA vertebrate paleontologist Bob Reynolds inspected the bone fragment in the field and recognized the bone as being a proximal radius from either a sheep or a deer. Members of both the Pechanga and Ramona Tribes indicated that they would like the identification confirmed by the Riverside County Coroner. The NAHC was contacted on Monday, June 11, 2007, to advise them of the find. Dave Singleton from the NAHC contacted Terri Fulton of LSA on Tuesday, June 12, 2007, and left a message saying he would wait for the official determination made by the Riverside County Coroner. On Tuesday, June 12, 2007, Deborah Gray of the Riverside County Coroner's Office confirmed the identification of the bone as the proximal radius of a sheep. Terri Fulton left a voicemail message with the NAHC notifying Mr. Singleton of Ms. Gray's findings. No further consultation was conducted regarding this matter.

Additional consultation was conducted with all six Native American tribes (Cahuilla, Gabrieleno/Tongva-San Gabriel, Morongo, Pechanga, Ramona, and Soboba) regarding the use of an Environmentally Sensitive Area for Site 33-1649 from August 8 through August 14, 2007. Additional monitoring at this site was conducted by the same tribe that monitored the site during the original XPI program, although all tribes were invited to send a tribal monitor to be present during the fieldwork. A monitor from the Pechanga Tribe was present on Site 33-1649 with the excavation crew from LSA. LSA has sent out e-mail updates on the results of this fieldwork to all interested parties.

Consultation for the three additional sites was begun on September 25, 2007. The six Native American tribes were contacted and informed of the additional work proposed at these sites; however, two tribes (the Morongo and Gabrieleno/Tongva-San Gabriel) indicated that they were not interested in monitoring any of these three sites. The opportunity to monitor was presented to the remaining four tribes, and resulted in representatives from the Cahuilla and Pechanga Tribes being present during the fieldwork conducted by LSA. E-mail results of the excavation were sent by LSA to all interested parties.

5.7.2 Phase II Evaluation

The six Native American tribes that were involved with the XPI phase of work (Cahuilla, Gabrieleno/Tongva-San Gabriel, Morongo, Pechanga, Ramona, and Soboba) were notified of the proposed Phase II testing program, and were invited to review a draft copy of the AEP. The Draft AEP was distributed to the six tribes on September 25, 2007, with the opportunity to provide feedback on the document. Several meetings were organized (at the RCTC on October 5, 2007; in Lakeview at Site P-33-16598 on October 11, 2007; and at WCAP on November 2, 2007) to present information on the sites that were proposed for Phase II testing. These meetings provided a forum to listen to and discuss concerns about the proposed Phase II work. Besides RCTC, Caltrans, and the project consultant, who were present at all of the aforementioned meetings, representatives from the FHWA, ACHP, and the SHPO were present for the October 11, 2007, meeting with the tribes, and a representative from the FHWA was present at the November 2, 2007, meeting with the tribes.

The meeting on October 5, 2007, was held at the RCTC offices located at 4080 Lemon Street, Third Floor, in Riverside, California. It was attended by

representatives from the Cahuilla, Gabrieleno/Tongva-San Gabriel, Morongo, Ramona, and Soboba Native American Tribes, and RCTC, Caltrans, Jacobs Engineering, and LSA. The Pechanga Tribe did not attend. An overview of the AEP was given, as was a discussion of the purpose, goals, and field methods to be used in the testing program. The Native American consultation process up to that point in the project was also discussed, along with procedures for tribal monitoring. The Morongo Tribe deferred monitoring during the testing program but requested continued involvement and the opportunity to comment throughout the remainder of the MCP project. In addition, the Morongo Tribe requested that they be able to visit sites at any time during the fieldwork outside of a monitoring capacity. It was also agreed that a field meeting would be set up for October 11, 2007, for the tribes to tour at least one of the sites included in the testing program and to which the project had current access.

Representatives of all six Native American tribes, the FHWA, ACHP, SHPO, RCTC, Caltrans, and the project consultant team were present for the October 11, 2007, field meeting, which consisted of a tour of Site 33-16598, a discussion of field methods, and a subsequent discussion of artifact curation and possible reburial. Tribal input was requested on the proposed project curation facility, the WCAP. At the conclusion of the October 11, 2007, field meeting, a commitment was made by the FHWA to invite the tribes to participate with the FHWA, Caltrans, RCTC, ACHP, and the SHPO in a preliminary discussion regarding the eligibility of sites for the National Register of Historic Places (National Register) within the MCP area of disturbance. It was agreed that this discussion would take place subsequent to the testing program. Based on these meetings, numerous comments (both verbal and written) have been received from the Native American tribes, some of which resulted in alterations to the MCP AEP. A representative from the Ramona Tribe raised a concern that there was not adequate discussion on the treatment of human remains in the AEP, and he asked that procedures regarding notification of the coroner and identification of bones should be inserted in the document. Various sections in the AEP document were adapted to include this request. In addition, several tribes requested a written protocol for a “chain of custody” regarding discovered artifacts from Phase II work. This request was also incorporated into the AEP document.

E-mails, letters, and verbal comments have been received from several Native American tribes (the Gabrieleno/Tongva-San Gabriel, Pechanga, and Soboba) that express concerns having to do with the MCP project Phase II work. Verbal comments about the AEP were received from a representative of the Gabrieleno/Tongva-San

Gabriel Tribe during meetings with the tribes and from e-mail correspondence. FHWA understands that the Gabrieleno/Tongva-San Gabriel Tribe requests further consultation on several issues. The Gabrieleno/Tongva-San Gabriel tribal representative is concerned about the proposed Phase II work plan methods provided in the Draft AEP, including the use of STPs to determine National Register and California Register of Historical Resources site significance, and the percentage of the site being tested. There is also a concern over the curation plan for the artifacts collected during the Phase II work. The Gabrieleno/Tongva-San Gabriel tribal representative would like to be assured that there is a reasonably accurate determination of the presence of human remains on the sites during the Phase II fieldwork. In addition, the tribal representative expressed concern that the consultant on this project would minimize the significance of the Phase II cultural resources. The FHWA responded to each of these concerns in a letter dated October 30, 2007, that was addressed to the Gabrieleno/Tongva-San Gabriel tribal representative.

From e-mails, phone conversations, and meetings with representatives of the Pechanga Tribe, the FHWA understands that the Pechanga Tribe is concerned that federal consultation requirements are not being met for several reasons. The first concern is that there has not been adequate time for the Pechanga Tribe to review and comment on the Draft AEP and other project reports. The second concern is that there has not been adequate time to review the scope of work (associated with monitoring agreements), complete monitoring agreements, and schedule monitors for the Phase II fieldwork. The third concern is that alignment options and site treatment/preservation issues are being decided during the testing of the MCP sites that preclude the ability of the Pechanga Tribe to consult and make meaningful recommendations on these topics. Last, there is a concern that there has not been sufficient time for the Pechanga Tribe to schedule a meeting with the agencies involved with MCP. The FHWA responded to each of these concerns in a letter dated October 24, 2007, that was addressed to the Pechanga tribal representatives.

An e-mail was received from representatives of the Soboba Cultural Resource Department. As understood by the FHWA, three major concerns were voiced by the Soboba representatives. The first is that the MCP tribal consultation has been rushed. The second is a request by the Soboba Tribe that all artifacts be avoided or securely stored on site. Last, there is a concern that there seems to be no provisions for the custody and ownership of the artifacts collected. The FHWA responded to each of the three concerns in a letter dated October 22, 2007, that was addressed to the Soboba tribal representatives.

Prior to the testing program, a consultation meeting was set up at the WCAP facility on November 2, 2007. The meeting was divided into two segments, one in the morning to tour the facility and one in the afternoon to address comments and concerns regarding the AEP and the testing program. The Cahuilla, Morongo, and Soboba Native American Tribes were present during the morning tour of the facility along with the FHWA, RCTC, Caltrans, and the project consultant team. The tour was led by WCAP Assistant Director Paisley Cato.

The afternoon discussion segment of the November 2, 2007, meeting was attended by the Gabrieleno/Tongva-San Gabriel, Morongo, Pechanga, and Soboba Native American Tribes, as well as the FHWA, RCTC, Caltrans, and the project consultant team. Concerns were raised regarding the determination of site significance, custody of artifacts, unnecessary site disturbance attributed to the testing program, deposition of sacred or ceremonial artifacts, and potential for site avoidance by the project. As a result, it was agreed that the AEP would be revised to reflect the comments from the tribes, and the revised AEP would be distributed to each tribe for review on November 5, 2007. The tribes were asked to review and comment (if necessary) on the revised AEP prior to the testing program. No further comments were received and the testing plan was implemented.

The testing program was conducted between November 12 and December 13, 2007. Initially, the four archaeological field crews executing the testing program were accompanied by monitors from the Cahuilla, Gabrieleno/Tongva-San Gabriel, Pechanga, Ramona, and Soboba Native American Tribes. On November 21, 2007, Sam Dunlap, a Native American from the Gabrielino-Tongva Tribe (Gabrielino-Tongva) who was included in the initial 2005 consultation for the MCP project but originally declined further consultation, contacted the project consultant team to request involvement in the monitoring of the current testing program. Mr. Dunlap became formally involved with the remaining consultation for the MCP project on November 21, 2007, and monitored various sites during the final 2 weeks of the testing program.

During the testing program, three artifacts considered sacred or ceremonial by tribal monitors were discovered at Site 33-16598. All were found within the proposed right of way and consisted of: a large discoidal on the ground surface; a quartz mano or glow stone, also found on the ground surface; and a small black tourmaline crystal manuport found in Trench 14. All of the tribes (with the exception of the Gabrielino-Tongva, who were not yet monitoring at the time) were consulted as to how to treat

these artifacts, and it was agreed that they would remain on site and be reburied approximately 20 meters south of and outside of the proposed MCP right of way. The location was recorded via global positioning system (GPS) and the coordinates distributed to the tribes. The Morongo Tribe requested that photos be taken of the three artifacts to show tribal elders who could not participate in the monitoring and reburial. It was requested that the photos not be published or included in any reports, but be made available for viewing by the tribes upon request.

Throughout the testing program, the crews were typically accompanied by more than one tribal monitor, based on the special interest shown to any particular site by the various Native American tribes. At the request of the tribes, tribal monitors were present during ground disturbance at every site. Tribal monitors also verified what had been collected at each site with their signature on an artifact log form at the end of each day. All artifacts were brought to the project consultant's laboratory in Riverside for temporary storage but were made available to tribal members who wished to view the artifacts. Tribal members were also invited to observe the analysis of the artifacts if desired.

A Preliminary Recommendations of Eligibility and Level of Effects memorandum summarizing the results of the testing program and the preliminary findings of the fieldwork was distributed to the Native American tribes on December 14, 2007. A meeting was scheduled on December 19, 2007, at the RCTC offices to discuss the content of the memorandum and to obtain input from the tribes. This meeting was attended by representatives of the Cahuilla, Gabrieleno/Tongva-San Gabriel, Gabrielino-Tongva, Pechanga, Ramona, and Soboba Tribes. The ACHP, SHPO, FHWA, RCTC, Caltrans, Jacobs Engineering, and LSA were also in attendance. It was emphasized that the memorandum was preliminary, and that there would be additional opportunities for the tribes to comment on the MCP project.

The main issues of concern expressed by the tribes at the December 19, 2007, meeting were:

- That the federal criteria being applied for determining whether a site is eligible for listing in the National Register does not fully reflect the tribes' cultural values;
- That cultural resources be considered as significant not just on an individual basis but also on a regional level; and
- Assurance that tribal comments would be acknowledged by the agencies.

In addition, the Pechanga Tribe stated that several cupule boulders were located in the proposed MCP right of way and were not recorded during the testing program. The meeting concluded with a request from the FHWA that the tribes provide formal comments on the memorandum in writing by January 25, 2008.

In an attempt to resolve the issue of possible cupule boulders being located in the proposed MCP right of way, GPS data were exchanged between the Pechanga Tribe and the project consultant team. Using these data, a preliminary determination was made that the possible cupule boulders were located outside the proposed MCP right of way. To confirm this, the tribes were invited to ground truth the locations during a field visit on January 10, 2008. The project consultant team and the Cahuilla, Pechanga, Ramona, and Morongo Tribes participated in the field visit, and it was confirmed that the nine possible cupule boulders of concern to the Pechanga Tribe were all outside of the MCP right of way.

Written comments on the memorandum were received from the Gabrieleno/Tongva-San Gabriel, Gabrielino-Tongva, Pechanga, Ramona, and Soboba Native American tribes by regular and/or e-mail. Concerns regarding the preliminary evaluations of sites, the preservation versus the destruction of sites, and the general cultural significance of the overall project area were expressed by all of the commenting tribes, with the exception of the Gabrielino-Tongva Tribe, who agreed with the approach and results of the testing program.

Consultation with Native American tribes and contacts will continue for the duration of the MCP project.

5.7.3 Senate Bill 18

As mentioned in Section 3.8, Cultural Resources, Senate Bill 18 ([SB18]: Burton) requires local planning agencies to consult with California Native American tribes during the preparation, updating, or amendment of General/Specific Plans. SB18 consultation for the MCP project will be undertaken by the County of Riverside and the cities affected by the project as part of their future General Plan amendment approvals. It is not part of this EIR/EIS.

This page intentionally left blank