

Chapter 5 **Comments and Coordination**

Early and continuing coordination by the Federal Highway Administration (FHWA), the California Department of Transportation (Caltrans), and the Riverside County Transportation Commission (RCTC) with the general public and public agencies has been an essential part of the environmental process for the MCP project. Consultation assisted in determining 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 December 2004 and August 2005, circulation of the Draft EIR/EIS and public information meetings and public hearings in October 2008, continued coordination with MCP partner agencies, monthly Project Development Team meetings, meetings with other agencies and interested parties, and ongoing consultation with Native American tribes. This chapter summarizes the efforts of the FHWA, Caltrans, and the RCTC to fully identify, address, and resolve project-related issues through early coordination conducted for the original 32 mile (mi) MCP project, as well as the continued coordination for the modified 16 mi MCP project (the focus of this Recirculated Draft EIR/Supplemental Draft EIS).

5.1 Scoping Process

5.1.1 Prescoping Meetings

The environmental scoping process to involve the public in the MCP 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 regarding potential property impacts and for environmental concerns (i.e., aesthetics, air quality, water quality, community impact, etc.). This public input was considered by the MCP partner agencies and the Project Development Team and 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 for the Public Scoping meetings were sent to the Press Enterprise, the Sentinel Weekly News, the Valley Chronicle, the Perris Progress, the Perris City News, and La Prensa. Dates of the publication of the notices 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 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 people attended the meeting and submitted their comments and/or concerns regarding 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 in response to the distribution of a Notice of Preparation on November 15, 2004, a publication of a Notice of Intent in the Federal Register on November 22, 2004, and distribution of a Supplemental Notice of Preparation on July 31, 2007. The Notice of Preparations and Notice of Intent 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 MCP. The Supplemental Notice of Preparation was specifically issued to inform the public that a refined suite of Alternatives had been proposed since the previous Notice of Preparation. The Notice of Preparations were circulated to public agencies and other interested parties and provided 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 Notice of Preparations and Notice of Intent, please see the Notice of Preparation, Notice of Intent, and Supplemental Notice of Preparation comment letters provided in the *Scoping Summary Report* (LSA 2008). Copies of the Notice of Preparations and

Notice of Intent are provided in Appendix J (Attachment 1) of this EIR/EIS and in the *Scoping Summary Report* (LSA 2008), and summaries of the comments received from the Notice of Preparations and Notice of Intent are presented later in this chapter.

5.2 Notice of Preparation

The Notice of Preparation for the MCP project was published on November 15, 2004 (State Clearinghouse No. 2004111103). Comments in response to the Notice of Preparation were received by RCTC and are included in Appendix J (Attachment 3). Many of the comments received identified areas of concern that RCTC analyzed in the Draft EIR/EIS. All substantive comments were considered by RCTC in developing the alternatives and analysis of issues presented in the Draft EIR/EIS and comments applicable to the modified project limits were also considered in the Recirculated Draft EIR/Supplemental Draft EIS. Comments received on the Notice of Preparation are summarized below.

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

Letters received in response to the Notice of Preparation 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 EIR/EIS, the information and opinions provided in the letters identify specific issues to be addressed in the 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 Notice of Preparation response letters provided in Appendix J (Attachment 3).

5.2.1.1 State Agencies

Department of Fish and Game

- Natural Environment Study (NES)
- CEQA Requirements/EIR Approach
- County Multiple Species Habitat Conservation Plan (MSHCP), Section 7
- County MSHCP, Objectives
- Criteria Area/Criteria Cells/MSHCP Special Areas

Department of Parks and Recreation

- Lake Perris State Recreation Area
- 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
- Eastern Information Center, Department of Anthropology

5.2.1.2 Regional Agencies

California Regional Water Quality Control Board (RWQCB), 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
- Beneficial uses
- Cumulative impacts and County MSHCP
- Mitigation for biological resources

Metropolitan Transportation Authority

- Metropolitan Transportation Authority and municipal transit services

Metropolitan Water District of Southern California (Metropolitan), 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 policies

5.2.1.3 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 Interstate 15 (I-15) and Interstate 215 (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 the 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

5.2.1.4 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
- Resolution of the City Council supporting the North Perris alignment

5.2.1.5 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
- 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 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 Geronio 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 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

5.3 Supplemental Notice of Preparation

The Supplemental Notice of Preparation 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 Notice of Preparation were received by RCTC and are included in Appendix J (Attachment 4). All substantive comments have been considered by RCTC in developing the alternatives and analysis of issues presented in the Draft EIR/EIS, and comments applicable to the modified project limits were also considered in the

Recirculated Draft EIR/Supplemental Draft EIS. Comments received on the Supplemental Notice of Preparation are summarized below.

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

Similar to the letters received in response to the Notice of Preparation for the MCP project, letters for the Supplemental Notice of Preparation 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 Notice of Preparation response letters provided in Appendix J (Attachment 4).

5.3.1.1 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

5.3.1.2 Regional Agencies

California Regional Water Quality Control Board, Santa Ana Region

- Postconstruction permanent BMPs
- Storm water and nonstorm 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 Transportation Authority

- Climate change
- Truck transport

Santa Ana Watershed Project Authority

- Santa Ana Regional Interceptor 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
- Compass Growth Vision

5.3.1.3 County Agencies

Riverside County Flood Control and Water Conservation District

- Drainage
- Master Drainage Plan facilities

5.3.1.4 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

5.3.1.5 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

- Traffic 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

5.4 Notice of Intent

The Notice of Intent was published in the Federal Register on November 22, 2004. Comments in response to the Notice of Intent were received by both the FHWA and the 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 EIR/EIS. Substantive comments received on the Notice of Intent are summarized below.

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

Letters received in response to the issuance of the Notice of Intent 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 EIR/EIS, the information and opinions provided in the letters identified specific issues to be addressed in the 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 Notice of Intent response letters provided in Appendix J (Attachment 5).

5.4.1.1 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

5.5 Consultation and Coordination with Public Agencies

A Small Working Group was established for the MCP project to provide a forum for regular and continuous consultation between the public agencies involved in the project. The Small Working Group is a multi-agency collaborative including the RCTC, Caltrans, the FHWA, the United States Fish and Wildlife Service (USFWS), the United States Environmental Protection Agency (EPA), the United States Army Corps of Engineers (USACE), 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 the original 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), final agreement on the

Modified Purpose and Need (July 2010), and final agreement on the Modified Project Alternatives and continued use of the previously approved evaluation criteria for selection of a Preferred Alternative (January 2011).

In addition to the Small Working Group meetings and monthly Project Development Team 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, the I-215/MCP interchange, the 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 issued letters stating concerns with the close proximity of some of the MCP alignments to the Lake Mathews Dam, the 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 that 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 to choose 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 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 (RCA), USFWS, CDFG, and USA Waste (the permittee for the El Sobrante Landfill 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 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 State Historic Preservation Officer 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 the 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, the Advisory Council on Historic Preservation, 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. 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 the Advisory Council on Historic Preservation, the State Historic Preservation Officer, FHWA, and representatives of the Cahuilla, Gabrieleno/Tongva-San Gabriel, Gabrieleno-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), the State Historic Preservation Officer, and the Advisory Council on Historic Preservation 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 Notice of Preparation.
- 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 State Historic Preservation Officer a letter requesting formal concurrence with the Phased Evaluation and Findings of Effect 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: The State Historic Preservation Officer 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: The State Historic Preservation Officer sent FHWA a letter stating concurrence on preliminary determination of eligibility regarding historic properties and finding of adverse effect (a copy of this letter is included in Appendix J [Attachment 2]).
- January 2009 to June 2009: RCTC, FHWA, and Caltrans developed an approach in response to comments on the Draft EIR/EIS to modify the MCP project limits from 32 mi (I-15 to SR-79) to 16 mi (I-215 to SR-79) in order to focus transportation funding where the need is the greatest, between I-215 to SR-79, near existing facilities (i.e., Ramona Expressway). This approach was reviewed with USACE, EPA, USFWS, and CDFG.
- June 22, 2010: Caltrans sent letters to USACE, EPA, and USFWS requesting a formal “Agree/Disagree” response for the modified MCP Purpose and Need. In July 2010, Caltrans received letters from USACE and EPA indicating their final agreement and a letter from USFWS indicating no further comments. Copies of these letters are included in Appendix J [Attachment 2]).
- December 20, 2010: Caltrans sent letters to USACE, EPA, and USFWS requesting a formal “Agree/Disagree” response for the modified MCP set of alternatives. In January 2011, Caltrans received letters from USACE, EPA, and USFWS indicating their final agreement on the modified set of alternatives to be

evaluated in this Recirculated Draft EIR/Supplemental Draft EIS. Copies of these letters are included in Appendix J [Attachment 2]).

- August 30, 2011: RCTC and the project consultant team met with the RWQCB staff to review RCTC's action in July 2009 to modify the project limits and to update the agency on the modified build alternatives and project schedule.
- September 21, 2011: RCTC, Caltrans, and FHWA met with the State Historic Preservation Officer and tribal representatives from the Cahuilla Band of Indians, Soboba Band of Mission Indians, and Ramona Band of Cahuilla Mission Indians to provide a clear understanding of how the project has changed from its original alignment and to outline major milestones and review the schedule for completing the Section 106 documents.
- September 28, 2011: RCTC, Caltrans, and FHWA met with the tribal representatives from the Pechanga Band of Luiseño Indians and the Morongo Band of Mission Indians Tribes to provide a clear understanding of how the project has changed from its original alignment and to outline major milestones and review the schedule for completing the Section 106 documents.
- February 7, 2012: RCTC, Caltrans, and FHWA met with the tribal representatives from the Pechanga Band of Luiseño Indians. The Pechanga gave a detailed presentation regarding the project area as part of its ethnographic and ancestral territory and stated that it has multiple issues with the MCP project and its potential to impact cultural resources.
- February 22, 2012: The Pechanga Band of Luiseño Indians sent FHWA a letter with comments on the Mid County Parkway Historic Property Survey Report.
- April 23, 2012: The Pechanga Band of Luiseño Indians sent FHWA a letter with comments on the Mid County Parkway Findings of Effect.
- June 14, 2012: FHWA sent the Pechanga Band of Luiseño Indians a letter in response to their February 22, 2012, letter.
- June 27, 2012: FHWA sent the State Historic Preservation Officer a letter requesting formal concurrence on the Historic Property Survey Report (a copy of this letter is included in Appendix J [Attachment 2]).
- July 31, 2012: FHWA sent the State Historic Preservation Officer a letter requesting formal concurrence on the Findings of Effect (a copy of this letter is included in Appendix J [Attachment 2]).
- July 31, 2012: FHWA sent the Pechanga Band of Luiseño Indians a letter in response to their April 23, 2012, letter.
- August 16, 2012: FHWA, Caltrans, and RCTC met with a representative from the Soboba Band of Mission Indians per their request to provide an update on the

- status of the project (a copy of the meeting summary is included in Appendix J [Attachment 2]).
- September 18, 2012: The State Historic Preservation Officer sent FHWA a letter with comments on the determinations of eligibility and findings of effects for the Mid County Parkway on historic properties (a copy of this letter is included in Appendix J [Attachment 2]).
 - December 4, 2012: FHWA sent the State Historic Preservation Officer a letter requesting formal concurrence on the Historic Property Survey Report and Findings of Effect (a copy of this letter is included in Appendix J [Attachment 2]).
 - December 4, 2012: Caltrans sent a letter to all Tribes involved in consultation informing them of the changes to the Findings of Effect per the State Historic Preservation Officer letter dated September 18, 2012 (a copy of this letter is included in Appendix J [Attachment 2]).
 - January 8, 2013: The State Historic Preservation Officer provided concurrence on the Findings of Effect (a copy of this letter is included in Appendix J [Attachment 2]).

5.6 Public Participation

Public participation for the MCP project included public meetings, the MCP website, several newsletters, and circulation of a Draft EIR/EIS in October 2008.

5.6.1 Meetings

The RCTC held several public informational meetings for the MCP project. In addition to the prescoping and scoping meetings discussed above, public information meetings and public hearings were held during the circulation of the Draft EIR/EIS in late 2008.

Three public information meetings were held for the MCP project from October 28–30, 2008, in the cities of Corona, Perris, and San Jacinto. At these meetings, RCTC staff and the consultants were available to answer individual questions. Bilingual staff from RCTC and the consultant team was also available at each meeting to assist attendees who were more comfortable communicating in Spanish. Attendees were provided copies of the project newsletter and comment cards to provide their input on the Draft EIR/EIS. A total of 29 written comments were received (21 in Corona, 6 in Perris, and 2 in San Jacinto) at the meetings. A total of 185 people attended (105 in Corona, 68 in Perris, and 12 in San Jacinto). Comment cards in Spanish were also

made available for the public. Key concerns raised in the written comment cards received at the meetings include the following:

- Noise
- Bicycle trails
- Environmental justice
- Wildlife crossings
- Schools
- Community impacts
- Water quality/Runoff into Metropolitan Water District of Southern California reserve
- Flood control
- Local circulation during construction
- Eminent domain
- Bus routes
- Priority given to I-15 and SR-91 improvements

Several comment cards also included opinions regarding the project stating whether the member of the public was for or against the project and/or if he/she preferred one alternative more than the others.

Two public hearings were also held during public circulation of the Draft EIR/EIS on November 6 and 12, 2008, at the Perris City Council Chambers and the RCTC Board Room, respectively. Fourteen people provided verbal comments to the RCTC Commissioners at the public hearing held at the Perris City Council Chambers. Concerns expressed at the hearing included community impacts, such as property and access impacts through Mead Valley, noise impacts, and air quality impacts. A few of the speakers also expressed support for the project, specifically Alternative 9. During the public hearing at the RCTC Board Room, 24 people provided verbal comments to the Commissioners. Commentors at this hearing expressed concern regarding impacts to aesthetics, noise increases, community impacts including the rural community through Mead Valley, project cost, biological impacts, and air quality. Other commentors expressed support for the project relative to its need related to growth and future mobility, and some commentors stated specific support for Alternative 9.

A public meeting was also held by Riverside County First District Supervisor Bob Buster on December 2, 2008, at Citrus Hills High School in the city of Perris. Approximately 95 people attended this meeting. Verbal comments included, but were

not limited to, how the project would impact Harford Springs, land use impacts, compatibility with other projects planned in the area, impacts to a rural community, project cost, wildlife impacts, air quality impacts, and trail crossings.

5.6.2 Website

A website 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 website provides an opportunity for the public to email comments and questions directly to RCTC. Notices of public meetings are also posted on the website. A link to this website is provided on the RCTC website at www.rctc.org.

5.6.3 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.
- October 2008: The newsletter informed the public of the availability of the Draft EIR/EIS for public review, as well as a summary of the key results in the Draft EIR/EIS comparing the alternatives, responses to frequently asked questions, the date, location, and time for three public information meetings and two public hearings, and a review of the environmental process and next steps.

- October 2009: The newsletter informed the public of RCTC's action in July 2009 to focus the project limits to the portion between I-215 and SR-79, as well as the project's next steps.

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 of these contacts. 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 all meetings involving Native Americans. Ten 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 the project consultants 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 MCP route 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/emails 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 (Cupa Cultural Center and Alvino Siva) declined further involvement for various reasons.

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. Vertebrate paleontologist Bob Reynolds from the project consultant team 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 the project consultant team 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 the project consultant team. The project consultant team sent out email 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 for the XPI program. Email results of the excavation were sent by the project consultant team to all consulting Native American 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 Western Center for Archaeology and Paleontology 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, Advisory Council on Historic Preservation, and the State Historic Preservation Officer 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. It was attended by representatives from the Cahuilla, the Gabrieleno/Tongva-San Gabriel, the Morongo, the Ramona, and the Soboba Native American Tribes, and RCTC, Caltrans, and the project consultant team. 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, the Advisory Council on Historic Preservation, the State Historic Preservation Officer, 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 Western Center for Archaeology and Paleontology. 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, Advisory Council on Historic Preservation, and the State Historic Preservation Officer 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.

Emails, letters, and verbal comments were received from several Native American tribes (the Gabrieleno/Tongva-San Gabriel, Pechanga, and Soboba) that expressed 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 email correspondence. FHWA understood that the Gabrieleno/Tongva-San Gabriel Tribe requested further consultation on several issues. The Gabrieleno/Tongva-San Gabriel tribal representative was 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 (California Register) site significance, and the percentage of the site being tested. There was also a concern over the curation plan for the artifacts collected during the Phase II work. The Gabrieleno/Tongva-San Gabriel tribal representative wanted to be assured that there would be 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 emails, phone conversations, and meetings with representatives of the Pechanga Tribe, the FHWA understood that the Pechanga Tribe was concerned that federal consultation requirements were not being met for several reasons. The first concern was that there had not been adequate time for the Pechanga Tribe to review and comment on the Draft AEP and other project reports. The second concern was that there had 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 was that alignment options and site treatment/preservation issues were being decided during the testing of the MCP sites that precluded the ability of the Pechanga Tribe to consult and make meaningful recommendations on these topics. Last, there was 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 email 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 concern was that the MCP tribal consultation has been rushed. The second was a request by the Soboba Tribe that all artifacts be avoided or securely stored on site. Last, there was a concern that there seemed 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 Western Center for Archaeology and Paleontology 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, the Morongo, and the 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 Western Center for Archaeology and Paleontology Assistant Director Paisley Cato.

The afternoon discussion segment of the November 2, 2007, meeting was attended by the Gabrieleno/Tongva-San Gabriel, the Morongo, the Pechanga, and the 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, the Gabrieleno/Tongva-San Gabriel, the Pechanga, the Ramona, and the 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.

5.7.3 Preliminary Recommendations of Eligibility and Level of Effects

A Preliminary Recommendations of Eligibility and Level of Effects (Preliminary Determinations of Eligibility (DOE)/Findings of Eligibility (FOE) 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. (Note: this document is no longer under consideration as it has been superseded by the approved Historic Property Survey Report (HPSR) and FOE.) 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, the Gabrieleno/Tongva-San Gabriel, the Gabrielino-Tongva, the Pechanga, the Ramona, and the Soboba Tribes. The Advisory Council on Historic Preservation, State Historic Preservation Officer, 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, the Pechanga, the Ramona, and the 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, the Gabrielino-Tongva, the Pechanga, the Ramona, and the Soboba Native American tribes by regular mail and/or email. 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.

Additional concerns raised by the Pechanga Tribe that were expressed in a letter dated January 25, 2008, were addressed in a letter response from FHWA dated May 16, 2008. The responses are summarized as follows:

- The MCP Phase II Proposal discussed using a regional analysis for sites proposed for evaluation, and the Archaeological Evaluation Report (AER) provides the results of this analysis, including a settlement pattern study.
- No quarries that contain quartz crystal, quartz crystalline, or metavolcanic materials were identified by the MCP studies.
- No human remains were found during excavations for the Inland Valley Feeder project conducted by Applied Earthworks.
- The cupules found at Site 33-16598 within the Area of Potential Effects (APE) show obvious human modification in the form of grinding, and direct impacts will be assessed at this site.
- The RCTC geographical information system (GIS) cultural database of sites within the MCP corridor will be shared with Pechanga when the draft environmental document goes out for public review.

In May 2008, all consulting Native American Tribes and groups were sent updated copies of the draft ASR, as well as a second updated version of the XPI Survey Report. In August 2008, all consulting Native Americans were sent copies of the final DOE/FOE document. Upon distribution of this document, the consulting Native Americans were invited to provide further comment on the content of the DOE/FOE report.

In October 2008, the consulting Native American Tribes and groups were sent copies of the Draft EIR/EIS. Copies of the Draft AER were sent in November 2008, and the consulting Native American parties were invited to provide comments on the AER.

5.7.4 Modified Project

On February 4, 2011, a letter discussing the Modified MCP project was sent from RCTC to 11 individuals representing the six Tribes and groups that continue to be in consultation for the project: the Gabrieleno/Tongva–San Gabriel, the Cahuilla, the Pechanga, the Ramona, the Morongo, and the Soboba. The letter also discussed the need for a small amount of additional survey and invited Native American participation. Three of the tribes and groups contacted declined to participate in the survey, but were glad that other Native Americans would be present: the Gabrieleno/Tongva, the Cahuilla, and the Soboba. The Pechanga, Ramona, and Soboba Tribes all expressed interest in being present and were kept in communication regarding the survey schedule. Tribal representatives from the Pechanga and the Soboba accompanied the archaeologist on the survey, which took place on March 30, 2011.

Sam Dunlap, Gabrielino Tongva Nation, was not included in the original notification sent on February 4, 2011, to the six tribes and groups as described above. In an attempt to correct this oversight, he was contacted by telephone on April 12, 2011. The content of the letter was explained to him and the negative results of the survey were reported. Mr. Dunlap requested that a copy of the letter be sent to him by email, which it was. He also stated that he would like to continue to be consulted for the remainder of the MCP project.

In late September 2011, two meetings were held at RCTC offices with representatives from participating Native American tribes to provide a clear understanding of how the project has changed from its original alignment between I-15 in the west and SR-79 in the east to the modified project limits between I-215 in the west and SR-79 in the east; and to outline the next steps, including major milestones and review of the schedule for completing the cultural documents. The September 21, 2011, meeting

was attended by RCTC, Caltrans, FHWA, the State Historic Preservation Officer, and tribal representatives from the Cahuilla Band of Indians, the Soboba Band of Mission Indians, and the Ramona Band of Cahuilla Mission Indians, as well as members for the project consultant team. The September 28, 2011 meeting was attended by RCTC, Caltrans, FHWA, and tribal representatives from the Pechanga Band of Luiseño Indians and the Morongo Band of Mission Indians Tribes, as well as members for the project consultant team.

In November 2011, the Draft HPSR for the MCP project was sent for review to the seven tribes/groups that are currently in consultation. Two responses were received with regard to the Draft HPSR. The Soboba responded in a letter dated December 5, 2011. The letter requested government-to-government consultation per Section 106, and that the Soboba continue to be a lead consulting entity for the MCP project. The letter also requested that a Native American monitor from the Soboba be present during any ground-disturbing proceedings for the MCP project, that proper procedures be taken, and the requests of the Soboba be honored.

The Pechanga requested a meeting to discuss the Draft HPSR. This meeting was held on February 7, 2012. Besides the Pechanga representatives, those present included personnel from FHWA, RCTC, Caltrans District 8, and the project consultant team. The Pechanga gave a detailed presentation regarding the project area as part of its ethnographic and ancestral territory and stated that it has multiple issues with the MCP project and its potential to impact cultural resources. The concerns include: direct and indirect effects to 33-16598; effects to sites immediately outside the APE; cumulative effects to cultural resources by future residential and commercial development precipitated by the presence of the MCP freeway; and the lack of a “landscape” approach in the HPSR that would consider effects of the MCP project on the larger vicinity as a traditional area that was used by the Luiseño people for hundreds of years. These concerns and others are detailed in a formal letter response from the Pechanga dated February 22, 2012.

Follow-up phone calls to the five tribes, and groups that did not comment on the draft HPSR, were made on February 23, 2012. These included the Gabrieleno/Tongva–San Gabriel, the Cahuilla, the Ramona, the Morongo, and the Gabrielino Tongva Nation. The Cahuilla responded that it is currently reviewing the Draft HPSR and may provide a response.

The draft FOE was submitted to the participating Native American tribes and groups for review on March 23, 2012. Follow-up phone calls to confirm that the FOE was received were made on March 30, 2012.

One response was received as a result of the FOE submittals. In a letter dated April 23, 2012, the Pechanga Tribe stated that they are not opposed to the MCP project as a whole, but are opposed to any direct, indirect and cumulative impacts the MCP project may have on tribal cultural resources, including impacts proposed to 33-16598 and the additional five sites determined ineligible for the National Register. The tribe does not agree that any part of the project should impact 33-16598. They would also like to see the remaining sites, which they do not agree are ineligible, evaluated as contributing elements of the larger cultural landscape in order to better understand their nature and properly assess their value. The Pechanga requests continued involvement in the development of all cultural resources documents for the MCP project (for example, the Historic Properties Treatment Plan and Memorandum of Agreement), as well as participation in developing mitigation measures to assist with the avoidance, short-term mitigation, and long-term preservation of 33-16598. The letter from the Pechanga also requested that its comments be incorporated into the record of approval for the MCP project.

The Final HPSR and Final FOE were submitted to the State Historic Preservation Officer in June and July 2012, respectively. The participating Native American tribes and groups were sent copies of these documents.

The State Historic Preservation Officer requested revisions to the FOE in a letter dated September 18, 2012. The revised document was resubmitted to the State Historic Preservation Officer on December 4, 2012. The participating Native American tribes and groups were sent copies of this Final FOE on December 4, 2012.

The State Historic Preservation Officer provided concurrence on the FOE on January 8, 2013.

In January 2013, the consulting Native American Tribes and groups were sent copies of the Recirculated Draft EIR/Supplemental Draft EIS.

5.8 Draft EIR/EIS

The Draft EIR/EIS for the MCP project was circulated for public and agency review on October 10, 2008, with the close of the public comment period on January 8, 2009, providing a 90-day comment period. A Notice of Availability and copies of the document were sent to the State Clearinghouse and the Notice of Availability was published in the Federal Register (a copy of the Notice of Availability is provided in Appendix J, Attachment 8). An additional notice was sent out to the public by the USACE to solicit comments relative to the MCP project and issuance of the Section 404 of the Clean Water Act of 1972 (33 U.S.C. 1344) permit (a copy of this notice is provided in Appendix J, Attachment 8).

Public notices were also sent out regarding the availability of the Draft EIR/EIS for public review, as well as to notify the public of the date, time, and location for the public meetings/hearings. Notices included approximately 4,500 newsletters, and formal Notices of Availability under CEQA were mailed to all properties within a 300-foot (ft) radius of the MCP Build Alternatives, interested public members, and the last known name and address of all organizations and individuals who have previously requested CEQA notices. Notices were also published in the Press Enterprise, the Valley Chronicle, La Prensa, and the Californian. Dates of the newspaper publications were as follows:

- October 10, 2008: Valley Chronicle, Press Enterprise (Inland Empire and Local)
- October 15, 2008: Press Enterprise (Inland Empire, Riverside County, and Local)
- October 16, 2008: Press Enterprise (Inland Empire, Riverside County, and Local)
- October 17, 2008: La Prensa
- October 18, 2008: Press Enterprise (Local)
- October 22, 2008: Press Enterprise (Inland Empire)
- October 24, 2008: Californian, Valley Chronicle, La Prensa
- October 25, 2008: Press Enterprise (Inland Empire)
- October 27, 2008: Press Enterprise (Inland Empire)
- October 31, 2008: Valley Chronicle

Six public meetings/hearings were held during the comment period: three public information meetings in late October 2008, two public hearings in November 2008, and a Riverside County First Supervisorial District public meeting in December 2008 (see Section 5.6.1 for additional details regarding these meetings). RCTC accepted public comments for the record at all of these meetings, along with comments via the

website, mail, and email. Over 3,100 comments were received from the following parties: 51 public agencies and organizations; 10 large property owners; 269 individuals; and a form letter from over 1,100 individuals nationwide. As discussed in Chapter 1 of this EIR/EIS, the following two key themes emerged in the public review comments:

- Concern about the cost and timing of available funds for the project. Many comments noted that, given the current economy and difficulty in securing funding for the entire project, limited financial resources should be focused on areas of greatest need.
- Although the public comments raised concerns about many aspects of the project throughout its entire length, many comments suggested that making improvements to existing facilities rather than building the MCP facility would be a better expenditure of public funding in the western portion of the project area between I-15 and I-215. In this area, improving existing facilities, such as Cajalco Road, instead of building the MCP facility would minimize impacts to the rural communities of Gavilan Hills and Lake Mathews Estates, as well as existing habitat reserves. Impacts to rural communities and existing habitat reserves were two major concerns raised in the public comments.

To address the concerns identified above, in spring 2009, RCTC, FWHA, and Caltrans developed an approach to modify the project limits and prepare a Recirculated Draft EIR/Supplemental Draft EIS. Each of the substantive environmental comments received on the Draft EIR/EIS circulated in October 2008 that is applicable to the modified project limits has been considered and addressed in this Recirculated Draft EIR/Supplemental Draft EIS. Public and agency comments submitted for the October 2008 Draft EIR/EIS will be included in the MCP Administrative Record, but no formal responses will be prepared. However, comments received during the public review period for this Recirculated Draft EIR/Supplemental Draft EIS will be formally responded to in the Final EIR/EIS.