

Table 1: Coastal Commission Response Summary – CONFIDENTIAL – Not for Public Distribution

Topic/Section	Comment	Response
1. Definition of Terms	<p>The following terms need to be defined:</p> <ol style="list-style-type: none"> 1. Study Area, 2. Disturbance Area, 3. Disturbance Limits, 4. Project Area, 5. Project Footprint, 6. Modified Project Footprint, 7. Area of Direct Impact (ADI) 	<p>Multiple terms are employed by the Caltrans Standard Environmental Reference [SER]) and Section 106 of the National Historic Preservation Act to define various project boundaries.</p> <ol style="list-style-type: none"> 1. Study Area: The Study Area is the maximum area studied for the Foothill Transportation Corridor – South (FTC-S) Alternatives. It includes all build alternative studies for the FTC-S. This area encompasses a roughly funnel shaped area beginning at the current terminus of SR-241 (Oso Road). From this point, the Study Area widens to ultimately include all new road, build alternatives and the intervening areas between alternatives. In addition, the Study Area includes a 328 ft (100 m) buffer around each alternative. This large area was selected to provide base level data of resource presence and significance as route selection and alternative revisions were completed. 2. Preferred Alternative: The Preferred Alternative was selected by the TCA Board of Directors in February of 2006. The Preferred Alternative represents a single build alternative and has been identified as the Preliminary Least Environmentally Damaging Practicable Alternative (LEDPA) by the Resource Agencies. 3. Area of Potential Effect: The APE includes the Area of Direct Impacts (ADI) plus a 328 ft (100 m) Buffer Area on each side of the ADI for indirect effects. The buffer area is provided to allow refinement of the alignment. (Caltrans defines Project Area and APE similarly: as the area, or areas, within which an undertaking may cause changes in the character or use of properties determined eligible to the National Register, should any be present. Caltrans also states that Study Area is the name for such an area until the APE is designated.) 4. Disturbance Area is a Caltrans term defined as the project Area of Direct Impacts (ADI), which is the area of the project that will incur direct physical impacts from project construction. The project footprint is the same as the disturbance area or ADI. 5. Disturbance Limits: Disturbance limits are similar to the project ADI and Disturbance Area; it is the outer line of the disturbance area. 6. Project Area: The Project area is defined as the selected Preferred Alternative. Previously, the Project Area was defined as the APE, which is the outer project boundary, which includes the Area of Direct Impacts (ADI) and a 328 ft (100 m) Buffer Area on each side of the ADI. The term has also been used in a general sense in the Focused Summary to indicate the region, or general vicinity, of the project APE. 7. Project Footprint is the same as Disturbance Area.

Topic/Section	Comment	Response
		<p>8. Modified Project Footprint is a term that defined a Preferred Alternative as refined in the Final SEIR. The Preferred alternative is a refinement of Alternative A7C-FEC-M</p> <p>9. Area of Direct Impact (ADI) is a Caltrans term defined as that portion of the project that will incur direct physical impacts from project construction. The ADI, plus a 328 ft (100 m) Buffer Area on each side of the ADI, comprise the APE.</p>
<p>2. Description of the resource.</p>	<p>2.1. The Village of <i>Hechmai</i> is mentioned in the <i>Focused Summary</i> but not in the other documents. Will the project affect it? If so, which of the identified resources is it (CA-SDI-??) ?</p>	<p>Descriptions made in the Focused Summary reflect data presented in the required Caltrans format Archaeological Survey Report (ASR; Fulton et al. 2006a) and in the Pedestrian Survey Report for the Department of Navy (DON) summarizing information in the ASR that is applicable to Marine Corps Base (MCB) Camp Pendleton (Fulton et al. 2006b). The ASR is enclosed for your use.</p> <p><i>Hechmai</i> is described in the Background/Ethnography section of the ASR (Fulton et al. 2006a:26). As shown in the ASR (Fulton et al. 2006a:49), the project APE passes through the area recorded as CA-SDI-1074, thought to be the ethnographically recorded remains of the village of <i>Hechmai</i>, although this is not certain, because to date no definitive link has been made between the physical remains of the archaeological sites and the recorded village. The precise location of <i>Hechmai</i> is unclear; therefore, it is not possible to know with certainty if the project will impact <i>Hechmai</i>. Site SDI-1074 is located within the APE and will be affected by the project. However, as previously described, portions of the site have already been tested, and a large portion has been substantially impacted by previous construction of I-5 and other projects. The project disturbance area in the vicinity of <i>Hechmai</i> and SDI-1074 is narrow and largely coincides with the existing right-of-way and previously disturbed area associated with I-5. The Final SEIR mitigation measures will be applied to ground disturbance in this area, including testing and evaluation for intact resources within the ADI in accordance with Final SEIR Mitigation Measure AR-1.</p> <p>The description of <i>Hechmai</i> in the <i>Focused Summary</i> states: Two ethnohistoric villages are known to have been present within the alignment and buffer area. <i>Panhe</i> (<i>Pange</i> or <i>Panga</i>) was situated at the mouth of San Mateo Creek, while <i>Hechmai</i> (<i>Quechinga</i> or <i>Kecchenga</i>) was located at the mouth of San Onofre Creek less than 1 mile south (Kroeber 1976 [1925]:Plate 57; O’Neil and Evans 1980:227; Johnson et al. 1998:18). ORA-22/SDI-13071 is considered the ethnohistoric Juaneño village of <i>Panhe</i>, based on ethnographic data gathered by Kroeber (1976 [1925]) and Harrington (1934:61). The village of <i>Hechmai</i> (<i>Quechinga</i> or <i>Kecchenga</i>) was located at the mouth of San Onofre Creek (Kroeber 1976 [1925]: Plate 57; O’Neil and Evans 1980:227; Johnson et al. 1998:18). The Kroeber (1976</p>

Topic/Section	Comment	Response
		<p>[1925]: Plate 57) map depicts the location of the village of <i>Hechmai</i> on the south side of San Onofre Creek in the area corresponding to site CA-SDI-1074. The map in the report by Johnson et al. (1998:18) shows the village (labeled <i>Kecchenga</i> in this case) on the north side of San Onofre Creek, which would place it in the location of CA-SDI-1075. In both instances, extensive prehistoric and ethnohistoric occupation near the mouth of San Mateo and San Onofre Creeks is documented.</p> <p>Additionally, O’Neil (1988), states that the ridge separating San Mateo and San Onofre Valleys is the Juaneño geographical feature known as <i>Pameva</i>. Several researchers hypothesize that <i>Panhe</i> and <i>Hechmai</i> were politically linked twin villages that encompassed all of the San Mateo and San Onofre Valleys, as well as the bordering ridges adjacent to the Pacific Ocean.</p>
	<p>2.2. What are the boundaries of the Juaneño? The Focused Summary says only that <i>Panhe</i> encompasses the San Mateo Valley, but the <i>FSEIR</i> states a different territory.</p>	<p>The Juaneño are a linguistically related subgroup of the Luiseño and occupy the area near San Juan Capistrano. Per the ASR (Fulton et al. 2006a:22), Kroeber (1976 [1925]:636) describes Juaneño territory as wedged in between Gabrielino and Luiseño territory. Juaneño territory was said to have extended along the coast from Aliso Creek southward to a point between San Onofre and Las Pulgas.</p> <p><i>Panhe</i> is an ethnographically recorded village in the Juaneño area. Its precise extent is not known with certainty, even though several archaeological sites have been linked to the village. For example, the ASR (Fulton et al. 2006a:51) states that ORA-22/SDI-13071 have been tested by ARI (1973), Welch (1975), Cook and White (1977), and Strudwick and Gallegos (1994), and is considered the ethnohistoric Juaneño village of <i>Panhe</i>, based on ethnographic data gathered by Kroeber (1976 [1925]) and Harrington (1934:61). Romani and Romani (1997) also describe two glass beads found during site testing. The glass beads are physical evidence of contact between the village inhabitants of <i>Panhe</i> and the Spanish explorers. Also, refer to Hines and Rivers (1991) for documentation of the site and information identifying it as <i>Panhe</i>. Even with information that links specific archaeological sites with the ethnographic village, the specific boundaries and full geographic extent of the village are not known.</p> <p>The ASR (Fulton et al. 2006a:24) provides substantive additional information regarding prehistoric villages.</p>

Topic/Section	Comment	Response
	<p>2.3. Is <i>Panhe</i> only site CA-ORA-22? Or is it multiple sites?</p>	<p><i>Panhe</i> is not limited to CA-ORA-22. The resources located at the mouth of San Mateo Creek are defined in a variety of ways depending on whether the resources are defined as distinct archaeological sites containing prehistoric physical remains, as an archaeological district of related sites, as areas sacred to Native Americans, or as active ceremonial or other use areas by Native Americans. There are six distinct prehistoric archaeological sites, there is a National Register eligible, continuous District that encompasses the six sites along the western/northern bank of the San Mateo Drainage (the San Mateo Archaeological District), there are two sites listed in the Sacred Lands files of the Native American Heritage Commission (CA-ORA-22 and CA-SDI-8435), and there is a potential Traditional Cultural Property that corresponds to traditional definitions of the village of <i>Panhe</i> (defined as being an area from the inland State Park’s Campground boundary to the ocean and including both banks of the San Mateo Drainage. Per the ASR (Fulton et al. 2006a:12) and as depicted in the attached table (Status of Prehistoric Resources in the APE), the SMAD is believed to be the location of the ethnohistoric village of <i>Panhe</i> and includes six sites: CA-ORA-22/CA-SDI-13071, CA-SDI-4282, CA-SDI-4535, CA-SDI-8435, CA-SDI-11703, and CA-SDI-11929. The Preferred Alternative will not impact CA-ORA-22/SDI-13071 or SDI-8435.</p>
	<p>2.4. Please provide a map showing the territories of the Juaneño, Gabrielino, and the Luiseno and the location of the Preferred Alternative with its buffer/total footprint (and please define whichever term you use).</p>	<p>A generalized map of Tribal boundaries of Southern California is provided. It should be understood that Tribal boundaries are not precise, being based on ethnographic information recorded many years, often generations, after the villages were inhabited. In attempting to record the village locations of southern California native groups, Kroeber stated in 1925 (1976:616) that the opportunity to prepare a true map of village locations passed away 50 years prior (see also McCawley 1996:32). This indicates that the exact location of tribal villages in Southern California, and thus to some extent Tribal territories and boundaries, was for the most part lost after approximately 1870, when individuals who knew of the locations were no longer alive.</p>
	<p>2.5. Please provide a map showing the location of all of the archaeological and paleontological resources, the boundary of the coastal zone, and the location of the Preferred Alternative with its buffer/total footprint (and please define whichever term you use).</p>	<p>Maps of archaeological sites are provided, although paleontological resources are not identified on these maps. See attached Figures 1, 4a, 4b, and 5.¹ Geological Formations of the area have been documented and geological maps included in the Final SEIR and Focused Summary. The likelihood of discovering fossils is dependent on the formation and fossils will not be discovered until project construction begins.</p>

¹ The precise locations of archaeological sites are confidential and have not been disclosed in the Final Environmental Impact Report (FEIR). Pursuant to *Government Code Section 6254(r)*, this information is exempt from disclosure under the *Public Records Act*. See also *SB 18 (2004)*, which emphasizes confidentiality of archaeological information, and the California Office of Historic Preservation “Archaeological Resource Management Reports (ARMR) Recommended Contents and Format,” February 1990, Section IX (3) (c), which states “Maps depicting archaeological site locations should not be included in reports that will be publicly circulated.”

Topic/Section	Comment	Response
	<p>2.6. Please provide a map showing the Preferred Alternative with its buffer/total footprint (and please define whichever term you use) and areas that are currently used by living Native American representatives of the Juaneño.</p>	<p>There are no areas within the ADI that are currently being used by living Native American representatives of the Juaneño. In the area east of the ADI, there is a reburial area that has been used by the Native Americans that contains human remains placed there through modern-era reburial. This area will be avoided by construction of the Preferred Alternative. See attached Figure 6. The reburial area is fenced, and access is controlled by MCB Camp Pendleton. It is an area that has been excluded from the State Parks leasehold on MCB Camp Pendleton. The area is not a regularly active use area, although MCB Camp Pendleton does allow ceremonial activity upon request. Since the 1980s, traditional use of this 5-acre area has been limited to occasional visits and ceremonies. New use agreements between local Juaneño tribes and the Marine Corps are currently in development and are expected to restore some traditional use in this area. The fenced area is located outside the Coastal Zone.</p>
<p>3. Methodology.</p>	<p>3.1. Please provide a table showing a comprehensive list of when (date and time), where (general locations), environmental conditions (cloud cover, temperature, wind), and by whom fieldwork (names) was performed.</p>	<p>The requested table (Preferred Alternative Field Survey Data Table) is attached.</p>
	<p>3.2. Please define the “0.25-0.5 mi from the centerlines of the build alternatives.” Was this the survey area?</p>	<p>Yes, this was the survey area. The goal of the cultural resource studies for the project was to identify all cultural resources within the APE for all of the Alternatives that were evaluated. Surveys of the APE included previous surveys by Archaeological Resource Management Corporation (ARMC; Demcak 2000), Greenwood & Associates (G&A 2003), and the current LSA surveys. All of the proposed alternatives were surveyed, including the Preferred Alternative.</p> <p>As stated in Section 4.16.2.2 of the SEIR:</p> <p>“Initial field work consisted of a pedestrian survey of undeveloped landforms in underdeveloped and vacant areas within 0.4 to 0.8 km (0.25 to 0.5 mi) of the centerlines of the build Alternatives...” One of the purposes of surveying a wider area is to allow for full consideration of potential effects to archaeological resources as the Alternatives were refined over time to avoid or minimize impacts to sensitive resources or in response to engineering considerations.</p>
	<p>3.3. The survey area is also defined as being dynamic. Please clarify the area in which fieldwork was performed and its location relative to the Preferred Alternative with its buffer/total footprint (please define whichever term you use).</p>	<p>The survey area is not dynamic. The survey history is complex because multiple surveys were conducted over a six-year period as access was granted to areas previously inaccessible and as the project alternatives were refined.</p>

Topic/Section	Comment	Response
		<p>A map identifying the location of the APE for the Preferred Alternative and the location of cultural resources in relation to the APE is presented in the ASR (Fulton et al. 2006a) as Maps 2-4 (attached). Areas surveyed by ARMC (Demcak 2000); G&A (2003), and LSA (Fulton et al. 2006a) are specifically identified on Map 3 (attached). A description of the methodology of these surveys is also provided in the ASR (Fulton et al. 2006a:38-40). This information clarifies the area in which fieldwork was performed and its location relative to the Preferred Alternative. The buffer and total footprint are also shown on the graphics.</p>
<p>4. Number of Resources</p>	<p>4.1. How many total resources are there, both within the coastal zone and outside of the coastal zone? Please provide a map of these resources that includes the location of the Preferred Alternative with its buffer/total footprint (please define whichever term you use).</p>	<p>A map showing the location of all known cultural resource sites within the APE is provided as Map 4 in the ASR (Fulton 2006a) and is attached here. Another project map (the attached 8.5x11” map titled “Figure 1”) identifies the California Coastal Zone boundary.</p> <p>Attached is a table (Status of Prehistoric Resources in the Preferred Alternative APE) showing prehistoric resources in the APE. These prehistoric resources number as follows: 34 sites, 12 isolated finds. Six of the 34 prehistoric sites are located in the SMAD.</p> <p>Of the above listed prehistoric resources, the following are located within the Coastal Zone: 10 sites and 3 isolated finds. The boundaries of 3 of the 10 sites also extend outside the Coastal Zone.</p>
	<p>4.2. Of the resources identified, how many are included or are eligible for the National Register of Historic Places? How many have not been evaluated? How many have been determined to be ineligible? This could be included as data in the map requested above.</p>	<p>Map 4 (attached) of the ASR (Fulton et al. 2006a) identifies the location of prehistoric resources. Resources are also identified by National Register eligibility status. In addition, this information is provided in the attached table (Table: Status of Prehistoric Resources in the Preferred Alternative APE). This table can be used to obtain the following totals of prehistoric sites in the APE:</p> <p>Not Evaluated – 7 Sites¹ No Recommendation – 2 Sites Recommended Not Eligible – 9 Sites Recommended Eligible – 2 Sites Determined Eligible – 2 Sites Not Eligible – 4 Sites Eligible – 8 Sites</p>

¹ These sites have been treated as eligible for purposes of assessing impacts and mitigation.

Topic/Section	Comment	Response
		<p>Twelve prehistoric isolated finds are also in the APE. None have been evaluated, although as isolates, none are considered significant or will require additional work. Nevertheless, some archaeological testing is currently being proposed to ensure that their boundaries have been accurately identified. Refer to Fig. 1 for the relationship between the sites and the Coastal Zone.</p> <p>In conclusion, different sites are at different stages of evaluation. Although somewhat confusing, this is consistent with the standard archaeological practice of identification and evaluation and represents the current status of National Register eligibility. Future testing for this project, as part of the Phase II work, will refine and simplify the current eligibility listings. Note that the Phase II work is not expected to change any of the overall conclusions about impacts or mitigation based on the extensive body of existing information. There has already been a determination of adverse effect on National Register resources.</p>
	<p>4.3. How many resources will be impacted by the Preferred Alternative with its buffer/total footprint (please define whichever term you use)? This could also be included in the map requested above.</p>	<p>Map 4 shows the prehistoric resources located in the ADI, all of which will be impacted by the proposed project. This information is also provided in tabular format on the attached table (Status of Prehistoric Resources in the Preferred Alternative APE). Of the 34 prehistoric sites and 12 prehistoric isolated finds within the APE, 24 of the sites and 10 of the isolated finds are located at least partially within the ADI for the Preferred Alternative. These 24 sites and 10 isolated finds will be impacted by construction for the project. Refer to Fig. 1 for the relationship between the sites and the Coastal Zone.</p>
<p>5. Impacts</p>	<p>5.1. What is the basis for finding that construction impacts would be adverse?</p>	<p>Per Section 106, ground disturbances made to National Register resources prior to treatment are adverse. National Register eligible resources are present with the ADI. By definition (36 CFR Part 800), undertakings are assessed on whether they can have any effect on cultural resources. So an undertaking that does not disturb intact ground areas has No Potential to Affect Historic Resources. Because the FTC-S results in ground disturbance, it is an undertaking that has the potential to affect Cultural Resources. Some of the sites within the ADI are eligible for the National Register, and these National Register eligible sites will be directly impacted by construction of the FTC-S. Therefore, the project will cause an adverse impact on a historical resource as defined by 36 CFR Part 800.</p>
	<p>5.2. Will construction equipment be driving over and grading the land the resources are located on? If a resource is located in the buffer, what are the construction impacts to it?</p>	<p>Construction equipment will grade land within the ADI. No ground-disturbing construction activities will occur outside the ADI. The ADI was mapped to encompass all proposed ground-disturbing activities, including grading and construction staging for this project. As such, impacts to sites outside the ADI will not occur.</p>
	<p>5.3. For resources eligible for the National Register, please provide an assessment of impacts to each of their qualifying criteria.</p>	<p>Located within the ADI, the SMAD (on MCB Camp Pendleton), as well as sites CA-ORA-1559 and ORA-1560 in the Orange County portion of the Preferred Alternative, have been</p>

Topic/Section	Comment	Response
		<p>determined eligible for listing on the National Register (refer to Table: Status of Prehistoric Resources). The SMAD is eligible under Criteria A and D and will be adversely affected by the proposed project. Sites ORA-1559 and ORA-1560 are eligible for listing on the National Register under Criterion D. The project will impact these resources. Impacts to elements of archaeological sites that are eligible under Criterion D can and will be mitigated below a level of significance through a data recovery program in accordance with standard cultural resource practice, Section 106, and the 2003 Programmatic Agreement among FHWA, ACHP, SHPO, and Caltrans. Therefore, there will be no residual impact to the National Register qualifying criteria for sites ORA-1559 and -1560, and no residual impact to the Criterion D eligibility for the SMAD. Impacts to other eligibility criterion (A) cannot be mitigated below a level of significance; therefore, a Statement of Overriding Considerations was adopted by the TCA when the FEIR was certified. Refer to Map 3C for the relationship between the SMAD and the Coastal Zone.</p>
	<p>5.4. How will impacts to archaeological resources that are eligible under Criterion D be mitigated to below a level of significance? Specifically, which mitigation measures will accomplish this, and how will they accomplish it?</p>	<p>Avoidance is the preferred treatment and if it is possible to avoid a significant site by refining the alignment, then this is the preferred method of preserving the important aspects of a prehistoric site. TCA and the Collaborative¹ worked for six years to avoid and minimize impacts to cultural resources to the extent feasible. Resources that are eligible under Criterion D are valued for their data potential. Mitigation will be implemented to mitigate impacts to below a level of significance at those sites listed as significant resources under Criterion D. Accepted professional practice for mitigation, such as hand excavating a representative sample in order to recover the information or data that makes the site significant, will be applied, as well as Data Recovery excavation whereupon excavation of the resource is conducted until a point where the information being recovered is redundant. As summarized in response 5.4 above, it is widely agreed and incorporated into guidance and agreements that potential adverse effects to a property eligible for the National Register under only Criterion D may be mitigated through data recovery. Data recovery is designed to recover those elements of a site that are eligible under Criterion D and that will be impacted by the project.</p>
	<p>5.5. Why will impacts to the SMAD, and resources under Criterion A-C, not be able to be mitigated to below a level of significance? What is the difference between the mitigation for Criterion D and Criteria A-C that makes one achieve a level below significance and not the other?</p>	<p>It is more difficult to mitigate to below a level of significance those resources that are eligible for listing under Criteria A, B, and C. This is because what makes these sites significant are often traditional values and associations of the place with a significant event, period, or person in history that cannot be sampled, collected, or recovered through archaeological excavation. Therefore, it is not always possible to reduce impacts to</p>

¹ The Collaborative included: USEPA, USFWS, USACOE, FHWA, Caltrans, and DON/MCB Camp Pendleton.

Topic/Section	Comment	Response
		<p>resources that are eligible under Criteria A–C to below a level of significance because of the values that make the site eligible under these criteria.</p> <p>The SMAD has been evaluated as being eligible for listing on the National Register under Criteria A and D (please note, not A–C, or for all criteria). The SMAD Criterion A eligibility is centered on the status of the site as <i>Panhe</i> (an ethnographic village) and is based on oral descriptions and traditional use. The Criterion D eligibility is based on the District’s prehistoric archaeological research potential. Impacts to Criterion D elements of the site can be mitigated below a level of significance through completion of a Data Recovery plan during Treatment. Refer to Map 3C, which shows that approximately 50% of the SMAD exists within the Coastal Zone.</p> <p>Impacts to other criteria (in this case, Criterion A) are more difficult to mitigate below a level of significance because the value is in the association of the place with a significant event in history. Mitigation measures are proposed that will minimize and mitigate these impacts to the extent possible, but some residual impacts will remain. As such, when the TCA certified the project FEIR, a Statement of Overriding Considerations was made concerning these resources.</p> <p>These impacts are addressed in Section 4.16 of the Final SEIR.</p>
	<p>5.6. What are the impacts to those peoples who use these resources today for ceremonial and reburial purposes? Will they still be able to have ceremonies and other events that they currently do now? Exactly what are the impacts of noise, views, air quality, and traffic volume – how will they effect public enjoyment and access? What will be the impacts of increase disturbance and potential for illegal collection and vandalism?</p>	<p>SMAD is an archaeological district comprising several archaeological sites. As currently proposed, construction will occur within the SMAD, near, but not directly impacting, the area currently used by present day Native Americans. Native American access to the use area is controlled by MCB Camp Pendleton. The project will not affect the existing arrangement between MCB Camp Pendleton and Native Americans for access to this fenced area. This area will be indirectly impacted by noise, view, air quality, and traffic. A proposed sound wall separating the road from the San Mateo Campground and the area used by the local Native Americans will decrease vehicle noise dramatically. Because the predominant view is downhill and away from the proposed road, the predominant downhill vista will not be affected by the project. Thus, the impact is minimal and indirect. The Native Americans will still be able to hold ceremonies and other events to the extent that they are occurring now and may occur in the future based on a new use agreement with DON/Marine Cops. In summary, the project will not affect the ability of Native Americans to access and use this area. Because the proposed road will be a controlled-access toll road with a perimeter fence, the presence of the road will not allow increased access to any</p>

Topic/Section	Comment	Response
		adjacent areas. As such, disturbances and illegal collecting will not increase at sites within the SMAD because of the project. The Native American use area is in close proximity to other active use areas, including the San Mateo campground (approximately 50 feet) and military training exercises.
	5.7. If additional resources are thought to exist that were not located, how will impacts to these be avoided or minimized?	The APE exhibits depositional environments with the potential for buried cultural resources in many areas. The Final SEIR addresses this potential for encountering buried resources with mitigation measures, specifically Mitigation Measure AR-1, which requires testing and evaluation of known sites, and Measure AR-3, which requires archaeological and Native American monitoring of earth movement activities as a further precaution against impacting unrecorded cultural resources.
6. Mitigation	6.1. Which two isolated finds are referred to here [Focused Summary – Management Considerations]	The two isolated finds referred to are numbers P-37-026830 and 37-026831, identified on page 16 of the Focused Summary. These are the only two isolated finds in the Coastal Zone and are identified in the attached Table (Status of Prehistoric Resources in the Preferred Alternative APE).
	6.2. Is the buffer part of the DL? If so, how will impacts to the buffer be avoided when construction is occurring within this buffer?	The buffer is not part of the DL. The Buffer is a term indicating a 328 ft (100 m) wide area on each side of the ADI, which is defined by the DL. The combined area of the ADI and the Buffer composes the APE. Construction is proposed only within that portion of the APE referred to as the ADI. No direct ground-disturbing construction activity will occur anywhere except within the ADI.
	6.3. What is meant by “an extended phase I?”	An “Extended Phase I Survey” (XPI) is a Caltrans term for an extension of the survey phase (Phase I), or identification phase of the archaeological process. Phase I includes identification of archaeological and historical resources. The reason it is an “extended” survey is that during this phase of work, Shovel Test Pits (STPs) may be excavated in order to identify site disturbances and the presence of buried deposits prior to the Archaeological Evaluation (or testing) Phase (Phase II) of the project. Subsurface test excavation using STPs and 1x1 m excavation units is usually completed during the Test Phase, or Phase II, of Caltrans archaeological projects.
	6.4. Are these within the construction footprint, or the buffer (or both)? [...portions of the sites within the SMAD (22- 11,929) within the ADI will have to be subjected to Phase II data recovery.]	Map 4 shows the location of all prehistoric sites in relation to the APE. The attached table (Status of Prehistoric Resources in the Preferred Alternative APE) shows that site ORA-22/SDI-13071 is within the buffer. Sites within the buffer will not be impacted by proposed ground-disturbing construction activity for this project and therefore will not be subjected to data recovery. Site SDI-11,929 is also identified in this table as being located within the ADI. As such, this site will be impacted by the proposed project.
	6.5. What is the role of the management considerations? Are they part of the current work being performed for Section 106 review process,	The summary of management considerations in the Focused Summary is a description of the various Caltrans-defined and required phases of cultural resource investigation and

Topic/Section	Comment	Response
	<p>and/or are they part of the proposed mitigation? What is the timeline for the Section 106 review process, and for the implementation of these ‘considerations?’</p>	<p>treatment. The first step is Phase I, which is the identification of resources. The Archaeological Survey Report (ASR) is produced during Phase I. As described, Phase I work can also include an “Extended” portion, Extended Phase I (XPI), where limited subsurface work is completed in order to further delineate the extent of subsurface deposits. Phase II, also known as the evaluation phase of the process, involves testing in order to determine site importance/significance. Based on the results of the evaluation, recommendations are made that lead to Phase III work, which is data recovery excavation. It is the important/significant sites that warrant Phase III work.</p> <p>Currently, a proposal for Phase II work is being developed. This proposal will be reviewed by the consulting parties and if accepted will lead to the actual archaeological testing and laboratory analysis. When completed, excavation and analysis will lead to recommendations regarding site importance/significance. Recommendations will be based on quality and quantity of the material found, as well as considerations concerning disturbance and deposit integrity.</p> <p>All extant cultural resource studies are currently under review by the consulting parties. It is anticipated that National Register evaluation will be completed in late 2007 based on an approved evaluation plan.</p>
	<p>6.6. None of the mitigation listed in AR 1-4 would actually avoid impacts; these measures appear intended to minimize impacts. What, if any, mitigation is proposed that would avoid impacts?</p>	<p>The extensive, 6-year alternatives development and refinement process is described in several documents, including Chapter 2.0 of the Final SEIR, and is summarized in the attached letter from FHWA to the State Historic Preservation Officer (September 26, 2006). In summary, the Preferred Alternative has been designed and selected to avoid sensitive resources to the maximum extent feasible. However, given the density of resources in the area, avoidance of all resources is impossible.</p>
	<p>6.7. The impacts section of the <i>Focused Summary</i> states that CA-ORA-22 and CA-SDI-8435 will be avoided. Is this true? How?</p>	<p>Both sites are avoided by siting the project outside the archaeological site boundaries. Site CA-ORA-22/SDI-13071 is located on the west side of the current I-5 in a housing tract on MCB Camp Pendleton. See attached Figures 1, 4C, and 6. The proposed alignment (APE) does not impact this area. As such, the site will be avoided. Similarly, the proposed alignment avoids the site boundaries of CA-SDI-8435.</p>
	<p>6.8. Has TCA completed its mitigation plan? A complete mitigation plan is needed in order to determine whether we have received sufficient information on which to adequately assess the project’s impact (with the mitigation), and whether the proposed mitigation is reasonable and consistent with applicable Coastal Act policies.</p>	<p>The TCA mitigation plan will operate continuously until construction of the road is completed and includes tasks for excavation, mitigation of cultural values, construction monitoring, and treatment of unanticipated discoveries. TCA has completed its mitigation plan in the form of mitigation measures for CEQA/NEPA purposes. This plan is subject to additional implementation level details, based on the subsurface test evaluation and</p>

Topic/Section	Comment	Response
		<p>continuing Tribal consultation. TCA has committed to mitigating to below a level of significance for impacts to Criterion D eligibility and will execute all feasible mitigation measures to minimize and mitigate Criterion A impacts.</p> <p>There are 10 previously recorded historic and archeological sites within the ADI of the Preferred Alternative within the coastal zone. An eleventh site is located just outside of the coastal zone but is included within the same historical “District,” the SMAD (Focused Summary, Section 2.11). The entire surface of the APE has been surveyed by qualified archaeologists to federal standards, and the resulting reports have been approved by the lead federal agency (FHWA), Caltrans, and MCB Camp Pendleton.</p> <p>Detailed descriptions of each of these archaeological resources can be found in the Final SEIR, Section 4.16, and in the Focused Summary of Environmental Impacts in the Coastal Zone, Section 2.11, “Historic and Archaeological Resources.” All of these resources have been previously impacted to some extent by construction of I-5, agricultural use, military use, or other development.</p> <p>The Final SEIR impact conclusions include mitigation measures to address the potential project impacts by assuming National Register eligibility for all resources. The standard practice is being followed of identifying sites by their surface expression, followed by testing to better determine site content, extent and significance, and then implementation of mitigation to reduce impacts. Application of the accepted approach for identifying, testing, and mitigating impacts to cultural resources is reasonable and consistent with the applicable Coastal Act Policy.</p> <p>Mitigation measures for archeological impacts are included in the Final SEIR, Section 4.16, and described in brief below (Focused Summary, Section 2.11):</p> <p>AR-1 Retaining of a Qualified Archaeologist and Native American Monitor AR-2 Historic Property Treatment Plan for Eligible Resources AR-3 Monitoring Plan for Resource Surveillance</p> <p>The mitigation measures are reasonable because they provide appropriate protection for resources through project-level evaluation and treatment, including project design modifications if feasible to further avoid or minimize impacts to high-value areas within</p>

Topic/Section	Comment	Response
		<p>specific sites in accordance with a negotiated Memorandum of Agreement and monitoring of all grading and earthmoving activity in accordance with an approved monitoring plan.</p> <p>To proceed to the next phase of implementing the FEIR cultural resource mitigation measures and completing the Section 106 process, a Mitigation/Treatment Plan is being prepared in accordance with Section 106 and Caltrans requirements. This Mitigation/Treatment Plan will include a detailed implementation strategy for the mitigation measures that have been adopted and to which TCA is committed through the Mitigation Monitoring and Reporting Program, adopted by the TCA Board when it certified the EIR and approved the FTC-S Alternative.</p> <p>FHWA, under the authority of 23 United States Code (USC) 101, implements the Federal-Aid Highway Program (Program) in the State of California, funding and approving State and locally sponsored transportation projects that are administered by Caltrans. The <i>Programmatic Agreement Among the Federal Highway Administration, the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, and the California Department of Transportation Regarding Compliance with Section 106 of the National Historic Preservation Act, As It Pertains to the Administration of the Federal-Aid Highway Program in California</i> (executed 2003) (Programmatic Agreement) applies to all FHWA Program undertakings, including the proposed project. The 2003 Agreement governs compliance with Section 106 and provides the procedures and review and decision authorities to complete the 106 process. FHWA must agree to any resolution of adverse effects proposed pursuant to the stipulations in the 2003 Agreement, and such agreement will be evidenced in a Memorandum of Agreement. Thus, the 2003 Agreement provides assurance that the mitigation is reasonable, in accordance with the applicable Coastal Act policies.</p> <p>In summary, the proposed mitigation is reasonable and consistent with the California Coastal Act goal of mitigating impacts to archaeological resources by complying with Section 106 of the NHPA of 1966 (as amended) and 36 Code of Federal Regulations (CFR) Part 800 and by identifying minimization, avoidance, monitoring, preservation, and recordation mitigation measures for impacts to cultural resources. Impacts to elements of archaeological sites eligible under Criterion D can and will be completely mitigated through a data recovery program as described in response to items 5.3 and 5.4 above. Impacts to eligibility Criterion A will be mitigated to the extent possible.</p>
7. Section 106 Consultation	7.1. What is the status of this consultation process? Does TCA have a	All survey reports have been provided to all consulting parties. An MOA is a legally binding

Topic/Section	Comment	Response
	completed and signed MOA with all of the consulting parties?	agreement between the lead federal agency, federally recognized tribes, and potentially the OHP and ACHP that prescribes the treatment (e.g., mitigation measures) taken to avoid, minimize, and ultimately mitigate (to the extent feasible) all project impacts to National Register eligible properties. The MOA is currently under negotiation among all consulting parties.
	7.2. Is the State Historic Preservation officer in agreement with TCA as to the assessment of impacts and proposed mitigation as listed above?	The SHPO is in agreement that the project will have an adverse effect on National Register resources. Proposed implementation details of the mitigation of these impacts is being developed in consultation with all consulting parties.
8. Traditional Cultural Properties.	8.1. Will TCA be evaluating <i>Panhe</i> and Trestles as Traditional Cultural Properties (TCPs)? If so, when?	Trestles is outside the ADI and APE for the project; therefore, evaluation of Trestles as a TCP is not warranted for this project. TCA is in the process of reviewing a cost proposal to evaluate Trestles as a TCP, including evaluating the history and importance of Trestles as part of the Southern California surf culture. The SMAD, which includes <i>Panhe</i> , was evaluated by Caltrans archaeologists years ago as a prehistoric site and recommended as eligible for inclusion in the National Register. In 1981, the Keeper of the National Register concurred that the SMAD was eligible for the National Register under Criteria A and D. Since the eligibility of the District has been established, no further evaluation of the District's significance is required. Attached is Appendix C of the Archaeological Evaluation Proposal: SMAD National Register Eligibility Determination Documentation.
	8.2. If so, how will the results be incorporated into the archaeological impacts analysis section of the Consistency Certification? Will this be completed before August 2007?	Please see response above.

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