

## Chapter 3      Comments and Coordination

Early and continuing coordination with the general public and appropriate public agencies involved in the Lower 74 Widening project (project) has an essential part of the environmental process to determine the scope of environmental documentation, the level of analysis, potential impacts and mitigation measures and related environmental requirements. Agency consultation and public participation for this project has been accomplished through a variety of formal and informal methods, including: monthly PDT meetings, interagency coordination meetings, and consultation with interested parties. This chapter, as well as Table 3.1, summarizes the results of the Department efforts to fully identify, address, and resolve project-related issues through early and continuing coordination.

**Table 3.1 Summary of Consultation and Coordination Activities**

<b>Timing</b>	<b>Activity</b>
February 2000	Scoping Document
Post-June 2000	The California Department of Transportation (Department) consulted with the United State Army Corps of Engineering (ACOE) and California Department of Fish and Game (CDFG) regarding project drainage features.
July 19, 2000	Informal Agency Scoping Meeting at Ambuehl Elementary School
May 2001	The Department staff coordinated with ACOE and conducted field meetings.
July 2001	The Department staff consulted with the Native American Heritage Commission (NAHC) and requested a search of the sacred lands file and a list of individuals/organizations that may have knowledge of cultural resources in the area.
August 16, 2001	The NAHC response identified no Native American cultural resources or sacred sites within the project area and provided a list of individuals with tribal associations. The Department contacted these individuals, and some requested to be kept informed about the project.
October 2001	The Department staff consulted with the San Juan Capistrano Historical Society.
2001 to 2005	The Department staff consulted with ACOE, CDFG, United States Fish and Wildlife Service (USFWS), and National Marine Fisheries Service (NMFS).
Early 2004	The City of San Juan Capistrano Historic Preservation Manager was consulted.
May 30, 2006	The City Council and the Planning Commission held a public workshop to discuss sound walls, retaining walls, and landscaping.
September 11, 2006	The Department sent an updated letter with amended project information to Alfred Cruz, a tribal representative for the Juaneño Band of Mission Indians.
September 11, 2006	The Department sent an updated letter with amended project information to Anita Espinoza, a tribal representative for the Juaneño Band of Mission Indians.
September 11, 2006	The Department sent an updated letter with amended project information to Kristen Rivers, a tribal representative for the Juaneño Band of Mission Indians.

**Table 3.1 Summary of Consultation and Coordination Activities**

<b>Timing</b>	<b>Activity</b>
September 11, 2006	The Department sent an updated letter with amended project information to Mike Aguilar, a tribal representative for the Juaneño Band of Mission Indians.
September 11, 2006	The Department sent an updated letter with amended project information to Sonia Johnston, a tribal representative for the Juaneño Band of Mission Indians.
September 11, 2006	The Department sent an updated letter with amended project information to Anthony Rivera, a tribal representative for the Juaneño Band of Mission Indians.
September 11, 2006	The Department sent an updated letter with amended project information to David Belardes and Joyce Perry, tribal representatives for the Juaneño Band of Mission Indians Acjachemen Nation.
September 12, 2006	The Department sent an updated letter to the NAHC with amended project information.
September 12, 2006	The Department sent a letter notifying the San Juan Capistrano Historical Society regarding amended project information.
September 21, 2006	The Department conducted a field meeting with CDFG.
September 27, 2006	The Department updated consultation with the NAHC. An NAHC response letter to the Department stated that a search of the sacred lands file failed to identify the presence of Native American cultural resources in the immediate project area. A list of individuals to contact for more information was also provided.
September 27, 2006	The Department sent an updated letter with amended project information to Joe Ocampo, the Environmental Coordinator for the Juaneño Band of Mission Indians.
September 27, 2006	The Department sent an updated letter with amended project information to Anthony Madrigal, Jr., the Interim-Chairperson for the Cahuilla Band of Indians.
September 27, 2006	The Department sent an updated letter with amended project information to Maurice Chacon, the Cultural Resources representative for the Cahuilla Band of Indians.
October 11, 2006	The Department sent letters to each Native American contact provided in the September 27, 2006, NAHC letter.
October 24, 2006	Follow-up phone calls were made to each Native American contact.
October 24, 2006	The City held a public workshop to discuss noise impacts, sidewalk elimination, tree removal, and pedestrian safety.
January 22, 2007	The City held a public workshop to discuss the widening of SR-74, a safe and attractive project, traffic signal/pedestrian crossing, and sound walls.
March 1, 2007	The Department issued a letter to Mr. Milford Wayne Donaldson, the State Historic Preservation Officer, regarding determinations of eligibility and notification of Finding of No Adverse Effect with standard conditions for the Lower 74 (Ortega Highway) Widening Project.
June 13, 2007	The Department received a letter from the Office of Historic Preservation regarding the first round of the Section 106 Consultation for the Lower 74 (Ortega Highway) Widening Project.
June 20, 2007	The Department issued a letter to Mr. Milford Wayne Donaldson, the State Historic Preservation Officer, indicating that they concur with SHPOs determination that the Hankey-Rowse House is not eligible for listing on the National Register. In addition, the Department also provided additional information for SHPO to evaluate the eligibility of the Manriquez Adobe site.
July 11, 2007	The Department issued a letter to Ms. Susan Stratton, a Supervisor for the Section 106 Review Unit for the Office of Historic Preservation, regarding the termination of the Section 106 compliance process.

**Table 3.1 Summary of Consultation and Coordination Activities**

<b>Timing</b>	<b>Activity</b>
July 24, 2007	A public information meeting was held during the public review period for the Initial Study with Proposed Mitigated Negative Declaration (IS [Proposed MND]).
August 3, 2007	The Department issued a letter to Mr. Milford Wayne Donaldson, the State Historic Preservation Officer, regarding the PRC 5024.
November 2007	The Department made the decision to prepare an Environmental Impact Report (EIR) due to the nature of the comments received during the public comment period.
Spring 2008	Monthly Project Development Team (PDT) meetings are held to coordinate preparation of the EIR for the proposed project.
May 6, 2008	The Department continued consultation with a letter to Robert Dorame, Gabrielino Tongva Indians of California Tribal Council.
May 6, 2008	The Department continued consultation with a letter to Mercedes Dorame, Gabrielino Tongva Indians of California Tribal Council.
May 6, 2008	The Department continued consultation with a letter to Aldoph Sepulveda, Juaneño Band of Mission Indians.
May 13, 2008	The Department held a Focused Community Meeting to discuss the proposed project and build alternatives, and receive community input on the proposed project.
September 3, 2008	The Office of Historic Preservation Department of Parks and Recreation response letter to the Department stated that the segment of SR-74 affected by the proposed project does not meet the criteria for listing on the NRHP or for registration as a California Historical Landmark and will not be added to the Master List of State-owned Historical Resources.

### **3.1 Consultation and Coordination with Agencies**

#### **3.1.1 Project Team Coordination**

##### **3.1.1.1 Project Development Team (PDT) Meetings**

PDT meetings have been scheduled on a monthly basis from inception of this project November (2005). In November 2005, the County brought together the City and the Department in anticipation of moving ahead with their plans to widen SR-74 within unincorporated Orange County (SR-74 within County limits). The purpose of these meetings was to discuss project-specific issues and work together to ensure that the proposed project met the purpose and need and that these issues did not conflict with any plans, policies, or regulations.

##### ***Environmental Coordination Meetings***

Environmental coordination meetings were held on a biweekly basis beginning in April 2006 between the Department and its consultants, HDR Engineering (HDR) and BonTerra Consulting. Discussions regarding the environmental process and coordination between the involved parties were held. In January 2008, LSA

Associates, Inc. was contracted by the Department to prepare the EIR for the project and began attending the PDT meetings.

### **Value Analysis Workshops**

Value Analysis (VA) Workshops were conducted on October 5, 2006, and October 10 through October 13, 2006. The purpose of the workshops was to focus on alternatives that would improve operations and safety, minimize impacts, reduce costs if possible, and satisfy the local stakeholders. Participants included Department staff from Design, Environmental Planning, Construction, Traffic Operations, Maintenance, Geotechnical Services, and other functional units. The VA Workshops provided guidance and recommendations for project management and decision-making.

The VA Workshop participants also recommended removal of wrap-around noise barriers for the sound walls. On December 6, 2006, the Department's Noise Unit sent survey letters to six homeowners where wrap-around noise barriers were being considered. The results of the survey were that three homeowners were in favor of and three were against wrap-arounds. The VA Workshop participants recommended installation of precast panels at the bottom of the Plexiglas® sound walls. This recommendation has been adopted and will be reflected in the 95 percent Plans, Specifications, and Estimates (PS&E) package. The VA Workshop participants also recommended rehabilitating the existing pavement sections. The 95 percent PS&E will reflect appropriate pavement rehabilitation design.

### **3.1.2 Native American Consultation**

In July 2001, Department staff consulted with the Native American Heritage Commission (NAHC) and requested a search of the sacred lands file and a list of individuals/organizations that may have knowledge of cultural resources in the area. In its August 16, 2001 correspondence, the NAHC listed no Native American cultural resources or sacred sites within the project area. The NAHC identified the following individuals and tribal associations: David Belardes, Chairperson for the Juaneño Band of Mission Indians – Acjachemen Nation; Sonia Johnston, Chairperson for the Juaneño Band of Mission Indians; and Anita Espinoza, Most Likely Descendent (MLD) for the Juaneño Band of Mission Indians. Subsequently, letters were mailed to each contact on the list with project information. A response letter from Mr. Belardes, dated September 19, 2001, requested to be kept informed about any project developments and offered monitoring assistance. Ms. Johnston and Ms. Espinoza did not respond.

On September 12, 2006, given the time that had elapsed from the original consultation, an updated request letter was submitted to the NAHC. NAHC responded on September 27, 2006, in a letter indicating that a search of the sacred lands file failed to identify the presence of Native American cultural resources within the project area. The response identified the following individuals to contact for more information:

- Anthony Madrigal, Jr.: Interim Chairperson for the Cahuilla Band of Indians.
- Maurice Chacon: Cultural Resources Coordinator for the Cahuilla Band of Indians.
- Sonia Johnston: Chairperson for the Juaneño Band of Indians.
- Anita Espinoza: Juaneño Band of Mission Indians.
- Alfred Cruz: Cultural Resources Coordinator for the Juaneño Band of Mission Indians.
- Joe Ocampo: Environmental Coordinator for the Juaneño Band of Mission Indians.
- Anthony Rivera: Chairperson for the Juaneño Band of Mission Indians, Acjachemen Nation.
- David Belardes: Chairperson for the Juaneño Band of Mission Indians, Acjachemen Nation.
- Joyce Perry: Tribal Manager and Cultural Resources Coordinator for the Juaneño Band of Mission Indians, Acjachemen Nation.

On October 11, 2006, the Department mailed letters to each contact on this list with the proposed project information. No letter responses were received. On October 24, 2006, follow-up phone calls were placed to each contact on the list. Mr. Chacon responded by phone indicating the Cahuilla Band of Indians would be interested in monitoring in the event of a construction discovery. Ms. Espinoza responded by phone indicating that the Juaneño Band of Mission Indians would like to be kept informed of the project and any discoveries. She also offered monitoring assistance. No additional responses were received.

On May 6, 2008, the Department received an updated NAHC contact list following the Draft EIR NOP and mailed letters to Robert Dorame, Tribal Chair/Cultural Resources - Gabrielino Tongva Indians of California Tribal Council, Mercedes Dorame, Tribal Administrator–Gabrielino Tongva Indians of California Tribal Council, and Adolph “Bud” Sepulveda, Chairperson - Juaneño Band of Mission Indians.

Mr. Robert Dorame and Ms. Mercedes Dorame did not respond. On June 4, 2008, Mr. Adolph “Bud” Sepulveda stated in a follow-up call that he was familiar with the project area and had no comments at this time.

### **3.1.3 Historical Resources Consultation**

In October 2001, Department staff consulted with the San Juan Capistrano Historical Society regarding historical resources within the project limits. A letter response, dated October 15, 2001, indicated that two historically significant structures are located within the project limits along SR-74: the Hankey/Rowse Cottage and the Errecarte House. Both structures are listed on San Juan Capistrano’s Inventory of Local and Cultural Landmarks. Outside the project limits, additional historic structures (Parra Adobe and Harrison Farmhouse) were also identified.

Additional information pertaining to historical resources within the project area was obtained from the following sources:

- City Planning Department: Principal Planner, William Ramsey provided information on the City’s local landmark inventory in November 2001.
- City Historian: Ilse Byrnes has been providing information since November 2001 regarding trees of concern (the poplar tree at Hunt Club Drive and trees at the fruit stand/produce market), local historically significant structures on the City’s inventory, and an undocumented adobe structure (Manriquez Adobe). Ms. Byrnes was provided a copy of the cultural technical study prepared for this project to review on January 23, 2007.
- City Planning Department Historic Preservation Manager: Erin Gettis was consulted at the beginning of 2004 when Ilse Byrnes first mentioned the undocumented adobe. In 2006, Terri Delcamp replaced Erin Gettis as Historic Preservation Manager for the City. Ms. Delcamp was provided a copy of the cultural technical study prepared for this project to review on January 23, 2007.

### **3.1.4 Public Agency Consultation and Coordination**

#### **3.1.4.1 Informal Agency Scoping Meeting**

A scoping document was prepared by the Department and was sent to interested agencies in 2000. The Department District 12 hosted an informal Agency Scoping Meeting on July 19, 2000, from 6:00 p.m. to 8:00 p.m., in the multipurpose room of Ambuehl Elementary School, at 28001 San Juan Creek Road, San Juan Capistrano.

The meeting was attended by both agency representatives and stakeholders. The purpose of the meeting was to discuss the need, type, and scopes of studies planned for the proposed project, and hear the public's concerns. Major issues identified at the scoping meeting (and included in the scoping documents) are as follows:

- How will noise levels from the widened SR-74 be mitigated?
- How will noise levels from construction vehicles and big rigs be mitigated?
- Will sound barrier walls be constructed to lessen the noise?
- How will Palm Hill Drive be sloped to accommodate the existing private road? To the extent that retaining walls need to be constructed, will grading and slopes jeopardize the structural integrity of four houses on top of Palm Hill Drive?
- What is the amount of property to be acquired for this project?
- How will safety be ensured while accessing the existing trail at Avenue Siega? An equestrian/pedestrian signal should be installed at this intersection.
- Will the work be done at night and will traffic be re-routed?
- How will the IS/Environmental Assessment (IS/EA) mitigate the impacts to the existing wetland mitigation site, traffic, water quality, bikeways, trails, and unresolved issues of United States Army Corps of Engineers' (ACOE) notice of violation?

### ***Consultation with Resource Agencies***

Department staff consulted with USFWS, National Marine Fisheries Service (NOAA Fisheries), CDFG, and ACOE in regard to project issues involving T/E species, wetlands and other waters, project drainage features, and loss of habitat. Some of the field meetings and coordination are mentioned in this Chapter. Additionally, the Natural Environment Study (NES) contains a detailed record of correspondence, consultation, and a summary of meeting findings.

Starting in 2001, Department staff consulted with ACOE, CDFG, USFWS, and NOAA Fisheries regarding project drainage features and construction for the widening of the Lower San Juan Creek Bridge (located outside of the limits for this project, within the limits of the County portions). The Department initiated sensitive species surveys in 2001. The Department continued this resource agency coordination from 2001 to June 2005 until the SR-74 project was split into City and County portions, with the Department retaining environmental review for the City portion of the project.

Once the project was split, Department staff continued in coordinating with ACOE and CDFG, specifically on issues involving project drainage features. A field meeting was conducted between Department staff and CDFG on September 21, 2006, and the Department, ACOE, and CDFG staff met on October 5, 2006. The Department and the various resource agencies also worked to quantify the number of oak trees that would be impacted by project construction. They also determined areas subject to resource agency jurisdiction and discussed resource agency concerns regarding the project.

Department staff notified USFWS of the proposed project in June 2006. A *Species List for the State Route 74 Widening Project in the City of San Juan Capistrano, Orange County, California*, was received from USFWS on August 7, 2006. Due to the urbanized nature of the project area, federally and/or State-listed T/E species are not anticipated within the BSA. As a result, a Biological Assessment (BA) was not prepared for the proposed project. It was also determined that project drainage features do not contain the potential to support Essential Fish Habitat; as such, the NOAA Fisheries was not consulted. In addition, the CDFG Natural Diversity Database was referenced for the San Juan Capistrano United States Geological Survey (USGS) topographic quadrangle.

The following permits, reviews, and approvals will be required prior to the construction of the proposed project:

<b>Agency</b>	<b>Permit/Approval</b>	<b>Status</b>
ACOE	Section 404 Letter of Permission (LOP) or Nationwide Permit (NWP) 14	The Department is to obtain letter or permit.
CDFG	Section 1602 Streambed Alteration Agreement EIR/EIS	The Department is to obtain Agreement.
RWQCB	401 Water Quality Certification	The Department is to obtain Certification.

### 3.1.5 Public Participation

The City Council and the Planning Commission held three public workshops and one public meeting. The workshops were held on May 30, 2006, at City Hall to provide responses to the Department’s May 4, 2006, letter to the City; October 24, 2006; and January 22, 2007. A Focused Community Meeting was held on May 13, 2008, to hear the community’s concerns regarding the project, discuss the status of the project since the IS (Proposed MND) was circulated for public review in July 2007, and to inform the public regarding the status of the anticipated schedule for the EIR.

### **3.1.5.1 Noise Survey**

The Department conducted a noise survey on May 12, 2006, of potentially affected property owners to determine their preferences with respect to sound barrier heights and treatments. The residents were also given a choice as to the type of sound barrier: decorative masonry sound-absorbing barriers or opaque Plexiglas® sound-blocking barrier. The Department concluded that sound barriers would be needed along the south side of SR-74 per the noise study, which identified increased ambient noise levels in this area. It is the Department's policy that if the majority (51 percent or more) of the impacted residents are in favor of constructing sound barriers, the Department will support the proposed Plexiglas® or decorative masonry sound walls, provided the barriers meet all Department noise attenuation, stability, and safety standards. The results of the survey indicated that 84 percent of the respondents were in favor of sound barriers. Regarding the type of sound walls, 13 percent preferred Plexiglas® barriers, 19 percent preferred decorative masonry walls, and 68 percent indicated no preference (Department's August 21, 2006, Letter, Appendix C).

#### ***May 30, 2006, Public Workshop***

The City mailed a public workshop notice to all owners of real property (as listed on the latest Orange County Real Property Tax Assessment rolls) situated within 500 ft of the project. At the workshop held in the City Council Chambers, the City presented the proposed project to the community. The agenda items covered during this workshop included conceptual design alternatives, alternatives with respect to sound walls, and landscaping simulations. Agenda items of the public workshop are presented in Appendix C.

#### ***October 24, 2006, Public Workshop***

Another public workshop was held by the City at the City offices (32400 Paseo Adelanto, San Juan Capistrano) on October 24, 2006. Agenda items discussed during this public workshop included reflective noise for the residents located north of SR-74 that could potentially be generated from the proposed sound wall on the south side of SR-74; the elimination of the sidewalk and some trees on the north side of SR-74 between the two entrances to the Hunt Club; and concerns regarding safe access to SR-74 from Belford Terrace and the Hunt Club. Two issues that were important to the community were the need for a stop light somewhere near or east of the Hunt Club entrance, as well as sidewalks for students to use in going to the new high school scheduled to open in fall 2007.

### **January 22, 2007, Public Workshop**

A third public meeting was held by the City at the City offices (32400 Paseo Adelanto, San Juan Capistrano) on January 22, 2007. The meeting was a working group of 12 to 13 people. The agenda items were generally grouped into three main topics. The first topic covered “no widening for this section of Ortega Highway. The second topic covered mostly safety issues for the Build Alternatives for the project. Such as, a safe and attractive project, traffic signal/pedestrian crossing, and sound walls. The third topic covered a variety of issues for the Build Alternatives, including but not limited to the following: air pollution, the height and location of retaining walls, landscaping/loss of trees, sidewalks on the north side, a right-turn lane (deceleration lanes) into side streets, coordination with the Ortega Interchange Project, and trash trucks on SR-74.

### **July 24, 2007, Public Meeting**

A public meeting was held by the Department during circulation of the IS (Proposed MND) to give the public an opportunity to comment and provide input. This meeting was held on July 24, 2007, at 26501 Camino Del Avion, San Juan Capistrano, between 6:00 p.m. and 8:00 p.m., with approximately 200 to 250 people in attendance. Comments from the public included: the need for a signal, opposition to noise barriers, removal of the meandering sidewalk, emergency access, effects of the Ranch Plan, alternative routes, community character, and visual impacts.

As a result of the previous meetings, consultations, and the nature of the public comments received on the IS (Proposed MND), the Department decided that an EIR would be prepared to analyze the environmental impacts for the proposed SR-74 widening from Calle Entradero (PM 1.0) to the City/County limits. A copy of the IS (Proposed MND) is on file and available for review at the Department District 12 offices.

An NOP was circulated for public review for a 30-day period from January 18 to February 19, 2008 (Appendix A). Due to the responses and nature of the comments received, a focused community meeting was held for the proposed project on May 13, 2008. Details of the focused community meeting for the SR-74 widening project are discussed below.

### **May 13, 2008, Focused Community Meeting**

A fourth Focused Community Meeting was held by the Department at the San Juan Capistrano Community Center on May 13, 2008 with approximately 40 to 50 people

in attendance. The agenda items discussed during this public meeting were (1) an update regarding the project status, (2) The Department's decision to prepare an EIR for the project and the anticipated project schedule for the proposed project, (3) presentation of the proposed project and discussion of the build alternatives, and (4) a working session with input from the community regarding the proposed project.

**January 6, 2009, City Council Meeting**

A closed-session at the regular meeting of the City of San Juan Capistrano City Council on January 6, 2009 was held. During this meeting, the Department District 12 provided a Power Point presentation regarding the proposed project that covered the following topics: (1) why the widening is needed, (2) a description of project components, including the locations of sound and retaining walls, and (3) the proposed project timeline. The Department asked that all specific questions regarding the proposed project be addressed during the public hearing that would be held on January 14, 2009. General questions from the City Council and the public were addressed during this meeting. The Mayor of San Juan Capistrano and the City Council staff voted unanimously to request extension of the public review period for an additional 30 days.

**January 14, 2009, Public Hearing**

The public hearing for the Draft EIR for the SR-74 Lower Ortega Highway Widening project was held on Wednesday, January 14, 2009, from 6:00 to 8:00 p.m. at Marco F. Forster Middle School in San Juan Capistrano. A total of 84 individuals signed in at the welcome table.

The public hearing format consisted of a combination of an open house session and a project presentation. During the open house session, participants had the opportunity to visit the various stations (noise, visual, design, environmental, etc.), view project exhibits, and direct questions to the project team members located at each station. Representatives from Caltrans and their consultants provided a brief presentation providing an overview of the project, environmental impacts, and construction schedule. A certified court reporter was present during the open house to take verbal comments from participants. Participants also were encouraged to submit their comments in writing during the public hearing, via mail, or by email by the public circulation end date.

### **January 26, 2009, Extension of the Public Review Period**

As a result of the City's request for an extension of the public review period for the Draft EIR, the Department extended the public review period an additional 15 days to allow for a 75-day review period. Public notices to notify the public regarding the extended public review period were published in the Orange County Register on February 2, 2009, and La Opinion on January 30, 2009. The public notice was also provided on the Department's website.

### **3.1.6 Responses to Comments**

Due to the large volume of comments received during the Public Circulation Period, the responses to the comments received are referenced in Appendix J (Volumes 1 and 2) of this document, which is bound separately. All comments received during the Public Circulation Period are provided in Volume 1 of Appendix J. All responses to these comments are provided in Volume 2 of Appendix J.