Chapter 7 – Responses to Comments

The Draft EIR for the proposed Metro Gold Line Foothill Extension – Azusa to Montclair was made available for a 45-day public review and comment period pursuant to the State CEQA Guidelines, Sections 15105 and 15087, beginning on August 5, 2012 and ending on October 5, 2012. The Metro Gold Line Foothill Extension Construction Authority also held public meetings to receive comments on the Draft EIR on September 20, 2012, at 5:30 p.m. in Montclair, and on September 24, 2012 at 5:30 p.m. in La Verne.

Written comments received during the public review period for the Draft EIR are presented in chronological order by the date of correspondence. Each comment letter is designated a number, and individual comments within each letter are also numbered. Written comments were received from the following persons:

17. Russi, Bob, City Manager, City of La Verne. October 1, 2012.


20. Wray, Philip, Deputy Director, Development Services/City Engineer, City of Arcadia. October 4, 2012.


27. Silverstein, Robert, Silverstein Law Firm on behalf of the Storage Centers LLP. October 5, 2012.


30. West, Deidre, Manager, Environmental Planning Team, Metropolitan Water District of Southern California. October 5, 2012.


32. Clive K. Houston-Brown, Associate Vice President for Facility & Technology Services & Chief Information Officer, University of La Verne. October 5, 2012.


34. Kukla, Dawn, Senior Environmental Planner, Division of Environmental Planning, Department of Transportation (Caltrans), District 7. October 5, 2012.

35. Scoot Morgan, Director, State Clearinghouse, State of California, Governor’s Office of Planning and Research, State Clearinghouse and Planning Unit. October 5, 2012.


Chapter 7—Responses to Comments

38. Chien, Jui Ing, Park Planner, County of Los Angeles Department of Parks and Recreation. October 10, 2012.


Responses to the comments are provided following each comment. Appropriate updated information and revisions to the Draft EIR in response to comments and information received are identified in underline in the Final EIR.
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Dear Ms. Levy-Buch:

I wanted to voice my strong support for the extension of the Gold Line from Azusa to Claremont. This project is shovel ready and needs to be started and completed as soon as possible. As a resident of Glendora who is employed in Pasadena I would regularly use this extension.

Please register my support for this project!

Thank You!

The Reverend Christopher Schaar
Senior Pastor, Historic First Lutheran Church of Pasadena

cell 626.786.7315
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Response 1-1

Your support of the project is acknowledged.
Chapter 7—Responses to Comments

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My home is located north of the railroad tracks that will be carrying the Metro Gold Line extension.

My wife and I are looking forward to this project being completed. We are so used to having trains go by the tracks that now exist near our home, that we hardly ever notice them.

We believe in progress and feel the extension of the Line is headed in the right direction.

We fully are supportive of this proposed extension.

Thank you,

Seymour Wayne
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Response 2-1

Your support of the project is acknowledged.
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Like pretty much everything released so far. Have some concerns on how this will all fit through Claremont, but if that city is in agreement with your plan, then that is good. My main concern is the lack of a station between downtown Glendora and San Dimas (whose location is too far to the east). I would like to recommend that since you are already building a grade separation at Lone Hill, why not make this into a elevated station? It is almost halfway between these two stations and serve the auto mall and too huge shopping centers. This seems such a no-brainer when we are trying to get people out of their cars for even short trips like going shopping. I would also like improvements at the Pomona station in terms of connecting bus service on Garey. Seems the Metrolink platform and now yours, are pretty far from Garey, thus negating easy transfers to a major north-south Bus line. I also have concerns with the Indian Hill crossing in Claremont from just observing what pedestrians and some cars do there. The one building is so close to the line, it creates a bad blind spot. This should be grade separated with both Metrolink and MTA going under Indian Hill.

Thank You.  Mark R. Johnston, 4185 van buren st, chino, ca 91710

**Response 3-1**

The Construction Authority has and continues to work with the City of Claremont and other cities in the project study area.

**Response 3-2**

A station in the vicinity of Eucla Avenue (near the Foothill Village Shopping Center) was studied as the station to serve San Dimas in the 2007 Final EIR.

The current location for the San Dimas Station between San Dimas Avenue and Walnut Avenue was identified as the preferred station location by the City of San Dimas. This site also has more space available for a dedicated parking structure.

The current Glendora Station location at Glendora and Vermont Avenues was presented at the project scoping meetings in winter 2010/2011. This location was determined to be the preferred station location due to its proximity to the downtown Glendora area.

The stations along the Project are currently spaced in approximately 1.5 - 2 mile increments.

Adding a station at Lone Hill Avenue would both increase project cost and slow down trains, increasing the travel time between Montclair and downtown Los Angeles.

**Response 3-3**

The Construction Authority recently completed a “Bus Interface Study” for the Pasadena to Azusa segment of the Metro Gold Line Extension; the study serves as a planning guide for transit agencies and stakeholder Cities, as well as for the Construction Authority. The Construction Authority intends to conduct a similar study for the Azusa to Montclair extension at the time the project enters advanced engineering and design.

**Response 3-4**

Per the Metro Grade Crossing Policy for Light Rail Transit, the Milestone 1 – Initial Screening evaluation is performed first followed by Milestone 2 – Detailed Analysis and Milestone 3 – Verification. Milestones 2 and 3 go into a greater detailed analysis and are performed if the results of Milestone 1 show "Possible At Grade Operation" or worse.

The Draft EIR analysis for the Indian Hill grade crossing in City of Claremont indicated that the highest peak hour volumes at this crossing intersection would not meet the warrants for grade-separation per the application of the Metro Grade Crossing Policy. In addition, The Metro Light Rail Transit Design Standards establishes adequate sidewalk widths at station areas to provide safe pedestrian circulation and identifies various pedestrian and bicycle safety measures at grade crossings to mitigate potential impacts.

Sight distance conditions will be improved with the proposed wider sidewalks for this crossing location. As an additional safety measure, the project definition includes quadrant gates (spanning all traffic lanes) and pedestrian gates at this location.
August 29, 2012

Ms. Levy Buch, Construction Authority Director
Public Affairs
Metro Gold Line Foothill
Extension Construction Authority
406 E. Huntington Drive, Suite 202
Monrovia, California 91016-3633

Dear Ms Buch:

This is in response to your request for comments regarding the Metro Gold Line Foothill Extension Azusa to Montclair Environmental Impact Statement (EIS)/Environmental Impact Report (EIR).

Please review the current effective countywide Flood Insurance Rate Maps (FIRMs) for the County of Los Angeles (Community Number 065043), Maps revised September 26, 2008; and City of Montclair (Community Number 060276), Maps revised August 28, 2008. Please note that the City of Montclair, Los Angeles County, California is a participant in the National Flood Insurance Program (NFIP). The minimum, basic NFIP floodplain management building requirements are described in Vol. 44 Code of Federal Regulations (44 CFR), Sections 59 through 65.

A summary of these NFIP floodplain management building requirements are as follows:

- All buildings constructed within a riverine floodplain, (i.e., Flood Zones A, AO, AH, AE, and A1 through A30 as delineated on the FIRM), must be elevated so that the lowest floor is at or above the Base Flood Elevation level in accordance with the effective Flood Insurance Rate Map.

- If the area of construction is located within a Regulatory Floodway as delineated on the FIRM, any development must not increase base flood elevation levels. The term development means any man-made change to improved or unimproved real estate, including but not limited to buildings, other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, and storage of equipment or materials. A hydrologic and hydraulic analysis must be performed prior to the start of development, and must demonstrate that the development would not cause any rise in base flood levels. No rise is permitted within regulatory floodways.
Ms. Levy Buch, Construction Authority Director  
Page 2  
August 29, 2012

- All buildings constructed within a coastal high hazard area, (any of the “V” Flood Zones as delineated on the FIRM), must be elevated on pilings and columns, so that the lowest horizontal structural member, (excluding the pilings and columns), is elevated to or above the base flood elevation level. In addition, the posts and pilings foundation and the structure attached thereto, is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components.

- Upon completion of any development that changes existing Special Flood Hazard Areas, the NFIP directs all participating communities to submit the appropriate hydrologic and hydraulic data to FEMA for a FIRM revision. In accordance with 44 CFR, Section 65.3, as soon as practicable, but not later than six months after such data becomes available, a community shall notify FEMA of the changes by submitting technical data for a flood map revision. To obtain copies of FEMA’s Flood Map Revision Application Packages, please refer to the FEMA website at http://www.fema.gov/business/nfip/forms.shtm.

Please Note:

Many NFIP participating communities have adopted floodplain management building requirements which are more restrictive than the minimum federal standards described in 44 CFR. Please contact the local community’s floodplain manager for more information on local floodplain management building requirements. The Montclair floodplain manager can be reached by calling Angelic Bird, Emergency Services Coordinator, at (909) 626-1217. The Los Angeles County floodplain manager can be reached by calling George De La O, Senior Civil Engineer, at (626) 458-7155.

If you have any questions or concerns, please do not hesitate to call Michael Hornick of the Mitigation staff at (510) 627-7260.

Sincerely,

Gregor Blackburn, CFM, Branch Chief  
Floodplain Management and Insurance Branch

cc:
Angelic Bird, Emergency Services Coordinator, City of Montclair  
George De La O, Senior Civil Engineer, Los Angeles County  
Garret Tam Sing/Salomon Miranda, State of California, Department of Water Resources, Southern Region Office  
Michael Hornick, NFIP Planner, DHS/FEMA Region IX  
Alessandro Amaglio, Environmental Officer, DHS/FEMA Region IX

Response 4-1

The information provided about the National Flood Insurance Program (NFIP) is acknowledged. All Metro Gold Line Foothill Extension construction and operation activities would be in compliance with regulations pertaining to floodplains, floodways, and flood hazard areas, as applicable.

Response 4-2

The information about local floodplain management building requirements adopted by NFIP participating communities, including Montclair, is acknowledged. All Metro Gold Line Foothill Extension building would be constructed in compliance with the floodplain management requirements as applicable.
Getting public light rail to Montclair and hopefully to the airport is an absolute necessity. I trust that this will be moved along and that the usual government foot dragging will not be the case. If the Chinese can build a railroad in 3 years, we should be able to build this extension in 1 year. After all, it is only 12 miles. Let's get moving on this without delay. Let's get the lawyers out of the way and start building this year! It will get lots of cars off the freeway—that is if you folks are smart and connect the stations by bus to where people live. They have done this in NYC for years. Why not Los Angeles County?

Sincerely,

AL C. RESTIVO, PH.D.
4338 Oakwood Avenue
La Cañada Flintridge, California 91011
818-952-1969

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Response 5-1

Your support of the project is acknowledged. Construction of the Metro Gold Line Foothill Extension from Azusa eastward is anticipated to begin in 2016-2017. This construction schedule is dependent on funding availability.
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COUNTY OF LOS ANGELES
FIRE DEPARTMENT
1320 NORTH EASTERN AVENUE
LOS ANGELES, CALIFORNIA 90063-3294
(323) 981-2401

DARYL L. OSBY
FIRE CHIEF
FORESTER & FIRE WARDEN

September 12, 2012

Ms. Levy Buch, Director of Public Affairs
Metro Gold Line Foothill Extension
Construction Authority
406 E. Huntington Drive, Suite 202
Monrovia, CA 91016-3633

Dear Ms. Buch:

DRAFT ENVIRONMENTAL IMPACT REPORT, METRO GOLD LINE FOOTHILL EXTENSION FROM AZUSA TO MONTCALIR PROJECT, EXTENDS THE EXISTING METRO GOLD LINE BY 24 MILES TO THE EAST, FROM THE CITY OF PASADENA TO THE CITY OF MONCALIR, AZUSA-CITRUS STATION TO THE CITY OF MONTCALIR TRANSCENTER, EAST OF MONTE VISTA AVE IN MONTCALIR, (FFER #201200116)

The Draft Environmental Impact Report has been reviewed by the Planning Division, Land Development Unit, Forestry Division and Health Hazardous Materials Division of the County of Los Angeles Fire Department. The following are their comments:

PLANNING DIVISION:

Section 3.5.2.2, paragraph one, should be amended as follows: "With the exception of the Cities of La Verne and Montclair which is are served by its their City Fire Departments, fire protection..."

LAND DEVELOPMENT UNIT:

ACCESS REQUIREMENTS

1. Every building constructed shall be accessible to Fire Department apparatus by way of access roadways, with an all-weather surface of not less than the prescribed width. The roadway shall be extended to within 150 feet of all portions of the exterior walls when measured by an unobstructed route around the exterior of the building.

SERVING THE UNINCORPORATED AREAS OF LOS ANGELES COUNTY AND THE CITIES OF:

AGOURA HILLS  CALABASAS  CARSON  CERRITOS  CLAREMONT  COMMERCE  COVINA  CUDAHY  DIAMOND BAR  DUARTE  EL MONTE  GARDENA  GLENDDORA  HAWAIAN GARDENS  HAWTHORNE  HIDDEN HILLS  HUNTINGTON PARK  INDUSTRY  INGLEWOOD  IRWINDALE  LA CANADA FLINTRIDGE  LA HABRA  LA MIRADA  LA PUENTE  LAKewood  LANCASTER  LAWNDALE  LOMITA  LYNWOOD  MALIBU  MAYWOOD  NORWALK  PALMDALE  PALOS VERDES ESTATES  PARAMOUNT  PICO RIVERA  POMONA  RANCHO PALOS VERDES  ROLLING HILLS  ROLLING HILLS ESTATES  ROSEMEAD  SAN DIMAS  SANTA CLARITA  SIGNAL HILL  SOUTH EL MONTE  SOUTH GATE  TEMPLE CITY  WALNUT  WEST HOLLYWOOD  WESTLAKE VILLAGE  WHITTIER
2. Turning radii shall not be less than 32 feet. This measurement shall be determined at the centerline of the road. A Fire Department approved turning area shall be provided for all driveways exceeding 150 feet in-length and at the end of all cul-de-sacs.

3. All on-site driveways/roadways shall provide a minimum unobstructed width of 28 feet, clear-to-sky. The on-site driveway is to be within 150 feet of all portions of the exterior walls of the first story of any building. The centerline of the access driveway shall be located parallel to and within 30 feet of an exterior wall on one side of the proposed structure.

WATER REQUIREMENTS

1. Fire sprinkler systems are required in ALL residential and most commercial occupancies. For those occupancies not requiring fire sprinkler systems, it is strongly suggested that fire sprinkler systems be installed. This will reduce potential fire and life losses. Systems are now technically and economically feasible for residential use.

2. The development may require fire flows up to 8,000 gallons per minute at 20 per square inch residual pressure for up to a four-hour duration, as outlined in the 2011 County of Los Angeles Fire Code Appendix BB, Section BB 105. Final fire flows will be based on the size of buildings and types of construction used.

3. Fire hydrant spacing shall be 300 feet and shall meet the following requirements:
   a) No portion of lot frontage shall be more than 200 feet via vehicular access from a public fire hydrant.
   b) No portion of a building shall exceed 400 feet via vehicular access from a properly spaced public fire hydrant.
   c) Additional hydrants will be required if hydrant spacing exceeds specified distances.
   d) When cul-de-sac depth exceeds 200 feet on a commercial street, hydrants shall be required at the corner and mid-block.
   e) A cul-de-sac shall not be more than 500 feet in length when serving land zoned for commercial use.

GENERAL REQUIREMENTS:

1. The development of this project must comply with all applicable code and ordinance requirements for construction, access, water mains, fire flows and fire hydrants.

2. Specific fire and life safety requirements for the construction phase will be addressed at the building fire plan check. There may be additional fire and life safety requirements during this time.

3. Fire Department requirements for access, fire flows and hydrants are addressed during the building permit stage.
4. Some of the proposed stations are located within the area described by the Forester and Fire Warden as a Fire Zone 4, Very High Fire Hazard Severity Zone (VHFHSZ). All applicable fire code and ordinance requirements for construction, access, water mains, fire hydrants, fire flows, brush clearance and fuel modification plans, must be met.

5. The County of Los Angeles Fire Department, Land Development Unit comments are only general requirements. Specific fire and life safety requirements will be addressed at the building and fire plan check phase. There may be additional requirements during this time.

6. The County of Los Angeles Fire Department, Land Development Unit appreciates the opportunity to comment on this project.

7. The statutory responsibilities of the County of Los Angeles Fire Department, Land Development Unit, are the review of and comment on, all projects within the unincorporated areas of the County of Los Angeles. Our emphasis is on the availability of sufficient water supplies for firefighting operations and local/regional access issues. However, we review all projects for issues that may have a significant impact on the County of Los Angeles Fire Department. We are responsible for the review of all projects within Contract Cities (cities that contract with the County of Los Angeles Fire Department for fire protection services). We are responsible for all County facilities, located within non-contract cities.

   The County of Los Angeles Fire Department, Land Development Unit may also comment on conditions that may be imposed on a project by the Fire Prevention Division, which may create a potentially significant impact to the environment.

8. Should any questions arise regarding subdivision, water systems, or access, please contact the County of Los Angeles Fire Department, Land Development Unit Inspector, Claudia Soiza, at (323) 890-4243.

FORESTRY DIVISION – OTHER ENVIRONMENTAL CONCERNS:

1. The statutory responsibilities of the County of Los Angeles Fire Department, Forestry Division include erosion control, watershed management, rare and endangered species, vegetation, fuel modification for Very High Fire Hazard Severity Zones or Fire Zone 4, archeological and cultural resources and the County Oak Tree Ordinance.

2. The loss of Oak tree habitat should be mitigated pursuant to the provisions of the adjacent cities Oak Tree Ordinance.

3. Under the Los Angeles County Oak Tree Ordinance, a permit is required to cut, destroy, remove, relocate, inflict damage or encroach into the protected zone of any tree of the Oak genus located in unincorporated Los Angeles County which is 25 inches or more in circumference (eight inches in diameter), as measured 4½ feet above mean natural grade.

4. We have not received an Oak Tree Permit application or report for review. An Oak Tree Permit may be required for this project.
HEALTH HAZARDOUS MATERIALS DIVISION:

1. The Draft EIR refers to onsite and offsite soil contamination with hazardous substances. However, it does not identify the oversight agency for mitigation of the contaminated soils. The oversight agency should be identified.

   Furthermore, the statement in Section 3.9.4.1, HW-3, is incorrect. Soils contaminated with metals above Soluble Thresholds Limit Concentration (STLC), do not require removal. To manage cost and protect public health and environment, a risk based cleanup levels should be established for the identified contaminants. Excavated soils with metals concentration above STLCs has to be disposed of as California hazardous waste.

If you have any additional questions, please contact this office at (323) 890-4330.

Very truly yours,

FRANK VIDALES, ACTING CHIEF, FORESTRY DIVISION PREVENTION SERVICES BUREAU

FV:i
6. Vidales, Frank, Acting Chief, Forestry Division, Prevention Services Bureau, County of Los Angeles Fire Department, September 12, 2012.

Response 6-1
Information in Section 3.5 of the Final EIR has been updated to reflect that the City of La Verne has its own fire department.

Response 6-2
The roadway and driveway access requirements specified by the County of Los Angeles Fire Department are noted. The final design of the project facilities will comply with applicable local fire standards.

Response 6-3
The local water requirements regarding sprinkler design, fire flow, and hydrant spacing specified by the County of Los Angeles Fire Department are noted. The final design of the project facilities will comply with applicable local water requirements. The project does not include any residential or commercial occupancies.

Response 6-4
The requirements specified by the County of Los Angeles Fire Department are noted. The final design of the project will comply with applicable code and ordinance requirements and fire and life safety requirements as listed in the comment. The Construction Authority will address specific fire and life safety requirements at the time of the building and fire plan check.

Response 6-5
The project area comprises urban development along the existing rail corridor. There is no oak tree habitat within or adjacent to the project area. There is an area in Glendora where the project biologist noted the presence of coastal live oak trees. However, that area is outside of the railway right-of-way and would not be impacted by the project construction. Therefore, an Oak Tree Permit would not be required.

The proposed project will be constructed in compliance with all applicable tree ordinances. Mitigation Measure B-2 requires compliance with local jurisdiction tree preservation ordinances prior to taking any action to trim or remove significant or heritage trees.

Response 6-6
The Department of Toxic Substances Control (DTSC) will be an oversight agency, with local Fire Department or Department of Public Works providing oversight if any UST removal is necessary, and the Regional Water Quality Control Board (RWCB) providing oversight if any groundwater contamination is encountered above regulatory limits.

Response 6-7
A requirement to establish a risk-based cleanup levels in the Soil Mitigation Plan has been included in the Mitigation Measure HW-3. The Plan will be reviewed and approved by the oversight agency. If excavated soil contains metals above the STLC, in compliance with existing regulations the soil would be disposed of as a California Hazardous Waste.
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Lisa,

I’m unable to attend the two meetings set for September but have a major concern. I live in a new development located at Foothill Blvd. and Grand Ave. in Glendora called the Arboreta.

My question

- Are there any plans to construct a sound barrier to protect the home owners in the Arboreta and Vintage property? The track runs in front of our development where we currently contend with the beer company’s train noise which is less frequent then the projected schedule for the Goldline.

This will become a serious noise and air quality issue for us all and I need to report to our two associations the impact this will have on our area?

Sincerely,

Holly

Holly Guerin
Vice President/Sr. RM
Community Bank
505 E. Colorado Blvd.
Pasadena, Ca. 91101-2002
Work:  626 568-2233
Cell:  626 483-4600
Fax:  626 795-4964

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Response 7-1

The residences in the Arboreta and Vintage property (located in the northwest quadrant of the Foothill Boulevard and Grand Avenue intersection in Glendora) were included in the noise and vibration impact assessment. As shown in Figure 3.11-8 and Figure 3.11-9 in the Draft EIR, a sound barrier was recommended to reduce noise levels at the Arboreta and Vintage property. The noise and vibration analysis for the city of Glendora can be found in Section 3.11.7 of the Draft EIR.

As described in Section 3.5 of the Draft EIR, operation of the project—which uses electrically-powered light rail trains and not the gasoline or diesel fuels that generate air pollutant emissions and are used by freight and Metrolink—would not substantially degrade air quality. Furthermore, as described in Section 3.1 of the Draft EIR, the project is expected to reduce mobile source air toxics (MSAT) emissions in the region resulting, generally improved air quality.
September 17, 2012

Ms. Lisa Levy Buch, Project Planner
Metro Gold Line Foothill Extension Authority
406 E. Huntington Drive, Suite 202
Monrovia, CA 91016-3633

Re: SCH#2010121069; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the “Metro Gold Line Foothill Extension – Azusa to Montclair Project;” located east of Los Angeles parallel and between I-210 and I-10; Los Angeles and San Bernardino Counties, California.

Dear Ms. Buch:

The Native American Heritage Commission (NAHC) is the State of California ‘Trustee Agency’ for the protection and preservation of Native American cultural resources pursuant to California Public Resources Code §21070 and affirmed by the Third Appellate Court in the case of EPIC v. Johnson (1985: 170 Cal App. 3rd 604).

This letter includes state and federal statutes relating to Native American historic properties or resources of religious and cultural significance to American Indian tribes and interested Native American individuals as ‘consulting parties’ under both state and federal law. State law also addresses the freedom of Native American Religious Expression in Public Resources Code §5097.9.

The California Environmental Quality Act (CEQA – CA Public Resources Code 21000-21177, amendments effective 3/18/2010) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a ‘significant effect’ requiring the preparation of an Environmental Impact Report (EIR) per the CEQA Guidelines defines a significant impact on the environment as ‘a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ... objects of historic or aesthetic significance.” In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the ‘area of potential effect (APE), and if so, to mitigate that effect. The NAHC recommends that the lead agency request that the NAHC do a Sacred Lands File search as part of the careful planning for the proposed project.

The NAHC “Sacred Sites,” as defined by the Native American Heritage Commission and the California Legislature in California Public Resources Code §§5097.94(a) and 5097.96. Items in the NAHC Sacred Lands Inventory are confidential and exempt from the Public Records Act pursuant to California Government Code §6254 (r).
Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries of cultural resources or burial sites once a project is underway. Culturally affiliated tribes and individuals may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g. APE). We strongly urge that you make contact with the list of Native American Contacts on the attached list of Native American contacts, to see if your proposed project might impact Native American cultural resources and to obtain their recommendations concerning the proposed project. Pursuant to CA Public Resources Code § 5097.95, the NAHC requests cooperation from other public agencies in order that the Native American consulting parties be provided pertinent project information. Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65040.12(e). Pursuant to CA Public Resources Code §5097.95, the NAHC requests that pertinent project information be provided consulting tribal parties, including archaeological studies. The NAHC recommends avoidance as defined by CEQA Guidelines §15370(a) to pursuing a project that would damage or destroy Native American cultural resources and Section 2183.2 that requires documentation, data recovery of cultural resources.

Furthermore, the NAHC if the proposed project is under the jurisdiction of the statutes and regulations of the National Environmental Policy Act (e.g. NEPA; 42 U.S.C. 4321-43351). Consultation with tribes and interested Native American consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 et seq), 36 CFR Part 800.3 (f) (2) & .5, the President's Council on Environmental Quality (CSQ, 42 U.S.C 4371 et seq. and NAGPRA (25 U.S.C. 3001-3013) as appropriate. The 1992 Secretary of the Interiors Standards for the Treatment of Historic Properties were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including cultural landscapes. Also, federal Executive Orders Nos. 11593 (preservation of cultural environment), 13175 (coordination & consultation) and 13007 (Sacred Sites) are helpful, supportive guides for Section 106 consultation. The aforementioned Secretary of the Interior's Standards include recommendations for all 'lead agencies' to consider the historic context of proposed projects and to "research" the cultural landscape that might include the 'area of potential effect.'

Confidentiality of "historic properties of religious and cultural significance" should also be considered as protected by California Government Code §6254(r) and may also be protected under Section 304 of the NHPA or at the Secretary of the Interior discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C., 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APEs and possibility threatened by proposed project activity.

Furthermore, Public Resources Code Section 5097.98, California Government Code §27491 and Health & Safety Code Section 7050.5 provide for provisions for inadvertent discovery of human remains mandate the processes to be followed in the event of a discovery of human remains in a project location other than a 'dedicated cemetery'.

To be effective, consultation on specific projects must be the result of an ongoing relationship between Native American tribes and lead agencies, project proponents and their contractors, in the opinion of the NAHC. Regarding tribal consultation, a relationship built around regular meetings and informal involvement with local tribes will lead to more qualitative consultation tribal input on specific projects.
Finally, when Native American cultural sites and/or Native American burial sites are prevalent within the project site, the NAHC recommends 'avoidance' of the site as referenced by CEQA Guidelines Section 15370(a).

If you have any questions about this response to your request, please do not hesitate to contact me at (916) 653-6251.

Sincerely,

Dave Singleton
Program Analyst

Cc: State Clearinghouse

Attachment: Native American Contact List
Native American Contacts
Los Angeles and San Bernardino Counties
September 17, 2012

Pechanga Band of Mission Indians
Paul Macarro, Cultural Resources Manager
P.O. Box 1477
Temecula, CA 92593
(951) 770-8100
pmacarro@pechanga-nsn.gov
(951) 506-9491 Fax

Gabrieleno/Tongva Nation
Sam Dunlap, Cultural Resources Director
P.O. Box 86908
Los Angeles, CA 90086
samdunlap@earthlink.net
(909) 262-9351 - cell

Ramona Band of Cahuilla Mission Indians
Joseph Hamilton, Chairman
P.O. Box 391670
Anza, CA 92539
admin@ramonatribe.com
(951) 763-4105
(951) 763-4325 Fax

Morongo Band of Mission Indians
Michael Contreras, Cultural Heritage Prog.
12700 Pumarra Road
Cahuilla, CA 92220
(951) 201-1866 - cell
mcontreras@morongo-nsn.gov
(951) 922-0105 Fax

San Manuel Band of Mission Indians
Carla Rodriguez, Chairwoman
26569 Community Center Drive
Serrano, CA 92346
(909) 864-8933
(909) 864-3724 - FAX
(909) 864-3370 Fax

San Manuel Band of Mission Indians
Ann Brierty, Policy/Cultural Resources Department
26569 Community Center Drive
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(909) 864-8933, Ext 3250
abrierty@sanmanuel-nsn.gov
(909) 862-5152 Fax

Gabrieleno/Tongva San Gabriel Band of Mission Indians
Anthony Morales, Chairperson
PO Box 693
San Gabriel, CA 91778
GT Tribal Council@aol.com
(626) 286-1632
(626) 286-1758 - Home
(626) 286-1262 - FAX

This list is current only as of the date of this document.

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Chapter 7—Responses to Comments


Response 8-1

The information regarding state and federal statutes relating to Native American historic properties or resources of religious and cultural significance to American Indian tribes and interested Native American individuals is acknowledged. The project is an extension of the Metro Gold Line light rail transit line from Azusa to Montclair with two new light rail tracks located within the existing Metro’s rail right-of-way that has separate, existing tracks used by Metrolink and BNFS freight heavy trains. As such, the right-of-way has been substantially disturbed as have been the adjoining areas developed with a wide range of urban industrial, commercial, residential, and other uses.

The Draft EIR evaluated the project’s potential impacts on cultural resources, in Section 3.6, Cultural Resources. All of the recommendations included in the comment were incorporated into the preparation of the Cultural Resources section of the Draft EIR, including the federal and state statutes, historic context and cultural landscape, archeological and historic resources database searches, and project area surveys.

The analysis in the Draft EIR indicated that there were no Native American cultural resources recorded in the Sacred Land File along the project’s proposed alignment.

The Mitigation Measure CR-1, as listed in Section 3.6 of the Final EIR, is as follows:

- CR-1—If buried cultural resources are uncovered during construction, all work shall be halted in the vicinity of the archaeological discovery until a qualified archaeologist can visit the site of discovery and assess the significance of the archaeological resource. In the event that any artifact or an unusual amount of bone, shell, or non-native stone is encountered during construction, work will be immediately stopped and relocated to another area. The Construction Authority will stop construction within 100 feet of the exposed resource until a qualified archaeologist can evaluate the find (see 36 CFR 800.11.1 and CCR, Title 14, Section 15064.5[f]). Examples of such cultural materials might include ground stone tools such as mortars, bowls, pestles, and manos; chipped stone tools such as projectile points or choppers; flakes of stone not consistent with the immediate geology such as obsidian or fused shale; historic trash pits containing bottles and/or ceramics; or structural remains. If the resources are found to be significant, they will be avoided or will be mitigated consistent with State Historic Preservation Office (SHPO) Guidelines. All construction equipment operators will attend a preconstruction meeting presented by a professional archaeologist retained by the Construction Authority that will review types of cultural resources and artifacts that would be considered potentially significant, to ensure operator recognition of these materials during construction.

In the event of an accidental discovery of any human remains in a location other than a dedicated cemetery, the steps and procedures specified in Health and Safety Code Section 7050.5, California Environmental Quality Act (CEQA) Section 15064.5(e), and Public Resources Code Section 5097.98 shall be implemented. No further excavation or disturbance of the area or any nearby area reasonably suspected to overlie adjacent remains until the coroner is contacted and the appropriate steps taken pursuant to Health and Safety Code §7050.5 and Public Resource Code §5097.98. If the coroner determines the remains to be Native American, the coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours. If Native American human remains are discovered
during project construction, it shall be necessary to comply with state laws relating to the disposition of Native American burials that are under the jurisdiction of the NAHC (Pub. Res. Code Section 5097). For remains of Native American origin, no further excavation or disturbance shall take place until the most likely descendant of the deceased Native American(s) has made a recommendation to the landowner or the person responsible for the excavation work regarding means of treating or disposing of the human remains and any associated grave goods, with appropriate dignity, as provided in the Pub. Res. Code Section 5097.98; or the NAHC is unable to identify a most likely descendant or the descendant fails to make a recommendation within 48 hours after being notified. In consultation with the most likely descendant, the project archaeologist and the Construction Authority shall determine a course of action regarding preservation or excavation of Native American human remains, and this recommendation shall be implemented expeditiously. If a most likely descendant cannot be located or does not make a recommendation, the project archaeologist and the Construction Authority shall determine a course of action regarding preservation or excavation of Native American human remains, which shall be submitted to the NAHC for review prior to implementation.

The analysis concluded that potential impacts on cultural resources would be eliminated or reduced with the prescribed mitigation measure, as well as federal, state, and/or local regulatory requirements and/or permits pertaining to these resources, and therefore impacts are considered less than significant with mitigation.

The Construction Authority also contacted and provided the Notice of Preparation of the EIR and the Notice of Availability of the Draft EIR to the Native American representatives, including the Gabrielino Tongva Indians of California Tribal Council.
Submitted: 2012-09-18 10:46 AM

Name: Frank Glavan
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Cell Phone:
Ok to Text Construction Alerts? yes
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Comments/Questions: after viewing the study area map/map, sheet 3, appendix c, affected parcels, ? if the existing right of way will be needed at 440 west foothill blvd. we currently lease from mta a section of the right of way for office employee parking. thanks for your consideration.

E-Newsletters and Updates: yes
Construction Alerts:
I Will Ride Updates: yes
Business Opportunity Updates:
Board Meeting Notices and Agendas: