

Chapter 4 Comments and Coordination

Early and continuing coordination with the general public and public agencies is an essential part of the environmental process. It helps planners determine the necessary scope of environmental documentation and the level of analysis required, and to identify potential impacts and avoidance, minimization and/or mitigation measures and related environmental requirements. Agency and tribal consultation and public participation for this project have been accomplished through a variety of formal and informal methods, including interagency coordination meetings, public meetings, public notices, and Project Development Team (PDT) meetings. This chapter summarizes the results of the California Department of Transportation (Caltrans) efforts to fully identify, address, and resolve project-related issues through early and continuing coordination.

4.1 Interagency Coordination and Consultation

4.1.1 State Historic Preservation Officer

As assigned by the Federal Highway Administration, Caltrans has determined the resources evaluated as a result of the project are not eligible for inclusion in the National Register of Historic Places within the project Area of Potential Effects (APE). Under the Section 106 Programmatic Agreement (PA) Stipulation VIII.C, Caltrans requested the California State Historic Preservation Officer's (SHPO) concurrence on this eligibility determination; SHPO concurrence on this determination was received on July 24, 2018, for Components 1, 3, and 4 (EA 0Q3600). In addition, SHPO concurrence for Component 2 (SR-133 Safety Project – EA 0N0600) was received on January 19, 2017. A copy of the SHPO concurrence is included as an insert at the end of this chapter.

4.1.2 Section 4(f) Consultation

One public park in the study area, Laguna Coast Wilderness Park¹ was determined to be eligible for Section 4(f) protection.

On May 3, 2018, Caltrans submitted an Initial Coordination Letter on Components 1, 3, and 5 to OC Parks. The letter included the project background, a description of the project, and the potential project effects on Section 4(f) resources in the study area and the preliminary Section 4(f) determinations. On July 9, August 3, and August 9, 2018, Caltrans, OC Parks, and other local agencies and interested groups met and discussed several concerns relative to Section 4(f). On September 20, 2018, OC Parks concurred with the Caltrans *de minimis* Determination with conditions. The letter documenting this concurrence is provided at the end of this chapter.

Previous Section 4(f) consultation was conducted for Component 2 as part of the SR-133 Safety Project. As part of the SR-133 Safety Project (EA 0N0600), consultation was undertaken with OC Parks and documented in the approved Initial Study/Mitigated Negative Declaration/Categorical Exemption. As part of the Section 4(f) consultation conducted for that project, consultation was conducted during and subsequent to the circulation of the Draft Section 4(f) Evaluation, which resulted in the removal of the previously proposed retaining wall just south of El Toro Road. Several teleconferences and meetings were held between Caltrans, OC Parks, and OC Public Works between August 2017 and April 2018 to discuss the removal of the proposed retaining wall option. On April 16, 2018, a revised Section 4(f) Analysis with the *de minimis* Determination and concurrence documentation was submitted to OC Parks. OC Parks concurred with the Caltrans *de minimis* Determination on May 21, 2018, with conditions. The letter documenting the May 21, 2018, *de minimis* Determination Concurrence is provided at the end of this chapter.

¹ Laguna Coast Wilderness Park has multiple owners such as the City of Laguna Beach, the County of Orange, and the California Department of Fish and Wildlife (CDFW). The parcels to be acquired on southbound SR-133 (north of El Toro Road) are owned and operated by OC Parks. The acquisition of the parcels on northbound SR-133 (north of El Toro Road) currently shows OC Parks as the fee owner. If this condition changes, further evaluation will be undertaken during final design; Caltrans will continue to coordinate with the City and OC Parks, evaluate the property, and follow the necessary procedures.

4.1.3 Native American Consultation

Consultation with a number of Native American Tribes (groups and individuals) was conducted, in compliance with Section 106 of the National Historic Preservation Act and Assembly Bill (AB) 52, which amended the California Environmental Quality Act (CEQA) to require consultation with Native American Tribes as of July 1, 2015. For EA 0N0600, project information was sent to 37 Native American groups in October 2016. Subsequent follow up efforts did not identify any specific cultural or tribal concerns. For EA 0Q3600, consultation with eight Native American groups was initiated in July 2017, and no specific cultural or tribal concerns were identified for the project through subsequent follow-up consultation efforts and field meetings. Consultation with the Native American Heritage Commission (NAHC) and Native American representatives for EA 0Q3600 is summarized in Table 4.1. A copy of the NAHC correspondence for EA 0Q3600 is included as an insert at the end of this chapter. Correspondence related to consultation with the Native American Heritage Commission (NAHC) and Native American representatives for EA 0N0600 is also included at the end of this chapter.

Table 4.1 Summary of Native American Consultation

Agency and Agency Representative	Date of First Contact (Formal Letter)	Date of Tribal Response to Letter	Date and Results of Follow-up Telephone Calls and/or Emails
<p>Gabrieleno Band of Mission Indians – Kizh Nation Andrew Salas, Chairperson Gabrieleno</p>	<p>7/31/2017</p>	<p>08/25/2017: Mr. Salas sent an email to Caltrans with an attached letter, requesting consultation and stating that the proposed project lies within ancestral tribal territory and may cause a substantial effect to tribal cultural resources. The letter also requested that anyone involved in consultation watch a video regarding Assembly Bill (AB) 52.</p>	<p>09/01/2017: Caltrans responded to Mr. Salas via email, stating that the video will be watched in full and that information from Design & Hydraulics engineers is pending for a proposed drainage feature. After the information is received, Caltrans will contact Mr. Salas' office to schedule a meeting (potentially in the field).</p> <p>09/11/2017: Caltrans emailed Mr. Salas to provide additional information about the context of the project. Attached to the email is a marked-up aerial photograph showing the Area of Potential Effects (APE), as well as a site record for CA-ORA-315 (which is reported as being within the APE, but has not been located again since it was recorded). Caltrans also provided results of the records search and a project description. Caltrans stated that when it has the results of the field survey, it will contact Mr. Salas office to set up a meeting.</p> <p>09/28/2017: Caltrans District 12 emailed Mr. Salas to follow-up on a phone conversation Mr. Salas had with Caltrans Headquarters. Caltrans District 12 will contact the tribal office to set up a field meeting as soon as more information is available.</p> <p>03/07/2018: Caltrans District 12 emailed Mr. Salas to provide new project information and to request a field meeting regarding this project.</p> <p>03/22/2018: Caltrans District 12 sent another follow-up email to Mr. Salas to request a field meeting.</p> <p>04/12/2018: An additional email with project description, project plans, and the status of cultural study for the project was sent from Caltrans District 12 to Mr. Salas on April 12, 2018. In this email, a request was made for a response from Mr. Salas' group by the end of April.</p> <p>04/23/2018: Another email was sent by Caltrans District 12 to follow up and provide a summary of the cultural studies. A response was received from Mr. Salas' group on the same day, stating that the project area is highly sensitive to his people and was highly utilized by his ancestors for ceremony. The email from Mr. Salas contained a link to a website that discusses crop circles on Laguna Canyon Road, and Mr. Salas states that his father was interviewed for the write-up but not named on the website. The website provided by Mr. Salas was accessed on Tuesday, April 24, 2018, to follow up on the email. It was determined that the resources mentioned on the website were identified</p>

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Agency and Agency Representative	Date of First Contact (Formal Letter)	Date of Tribal Response to Letter	Date and Results of Follow-up Telephone Calls and/or Emails
			<p>in 1996 during the SR-73 Toll Road construction project, were not within the APE, and are no longer present.</p> <p>04/27/2018: Caltrans held an in-person meeting with Mr. Salas. They discussed the crop circles, rockshelters, and various site records. Caltrans followed up this meeting with an email on 05/01/2018 to summarize the talking points.</p> <p>05/01/2018: Mr. Salas responded to the Caltrans email, stating that local archaeologists have no knowledge of the crop circles (geo-glyphs) because they have never had any understanding or knowledge of his group's culture. He also stated that he believes Caltrans implied the rockshelters have no significance and do not afford any protection. Mr. Salas included information about the caves as provided at a nature center on Laguna Canyon Road.</p> <p>05/01/2018: Caltrans District 12 responded to the email from Mr. Salas, stating that there was doubt that some of the rockshelters/ caves were used in prehistory due to their small size and friable nature, but that Mr. Salas' belief that Caltrans thinks there is no significance to the rockshelters is mistaken. Caltrans also requested to set up a field meeting with Mr. Salas and the consultant (LSA) in the very near future due to the critical project schedule.</p> <p>05/02/2018: Caltrans District 12 followed up the previous email to Mr. Salas with additional information regarding the project, including site records for CA-ORA-315 and other sites near the APE, and reiterated the request for a field meeting in the near future.</p> <p>05/07/2018: Caltrans District 12 sent an email to Mr. Salas to follow up on the request for a field meeting.</p> <p>05/08/2018: Mr. Salas' group and Caltrans District 12 communicated via email to set up a field meeting. It is scheduled for 10:00 a.m. on Monday, May 14, 2018.</p> <p>05/14/2018: Caltrans District 12 followed up on the field meeting with a brief email to thank Mr. Salas for meeting and to request that any other comments or concerns be sent to Caltrans District 12.</p> <p>05/17/2018: Caltrans District 12 followed up on the in-person meeting with an email to summarize discussions of the meeting, including the</p>

Table 4.1 Summary of Native American Consultation

Agency and Agency Representative	Date of First Contact (Formal Letter)	Date of Tribal Response to Letter	Date and Results of Follow-up Telephone Calls and/or Emails
			<p>following information. The primary concern of Mr. Salas' group was that the project may impact rockshelters or caves, but no caves will be impacted by project work. Mr. Salas's group views Laguna Canyon as a highly utilized area for solstice and sacred sites for bonding and gathering, and expressed concern about site CA-ORA-177 (a pictograph site). However, CA-ORA_177 is located off El Toro Road to the east of the APE within dense riparian vegetation and will not be impacted by project work. Mr. Teutimez had stated during the field meeting that the crop circles (geoglyphs) discussed on the website were on a modern slope and were created overnight by the Gabrieleno deity as a sign of displeasure that rockshelters or caves in the vicinity were being destroyed by construction projects. However, the geoglyphs are no longer present and were outside of the current APE. Caltrans indicated that the County had previously analyzed components of the project and had included a construction monitoring requirement for CEQA although no resources had been identified. As such, Caltrans will incorporate the County's CEQA measure and include an archaeological and Native American Monitor (Gabrieleno and Juaneno) for ground disturbance. The ultimate result of the field meeting was that the representatives from Mr. Salas' group were relieved that no rockshelters or caves will be impacted by the project.</p> <p>Caltrans requested any further comments the tribe may have; however, no further comments were received.</p>
Gabrieleno/Tongva San Gabriel Band of Mission Indians Anthony Morales, Chairperson Gabrieleno	07/31/2017	No response received.	<p>09/22/2017: A voicemail was left for Mr. Morales.</p> <p>09/22/2017: Mr. Morales returned the phone call and left a voicemail, requesting a call back.</p> <p>09/25/2017: A return phone call was made to Mr. Morales. He stated that he knows that Caltrans always does its due diligence so if someone (an archaeologist) from Caltrans is out on project work, his group is fine with that. He stated that the area of the project is sensitive for Native American resources, and his group would like to be notified if anything cultural is found during construction.</p>
Gabrielino/Tongva Nation Sandonne Goad, Chairperson Gabrielino	07/31/2017	No response received.	<p>09/19/2017: A voicemail was left for Ms. Goad. No response was received.</p>

Table 4.1 Summary of Native American Consultation

Agency and Agency Representative	Date of First Contact (Formal Letter)	Date of Tribal Response to Letter	Date and Results of Follow-up Telephone Calls and/or Emails
Gabrielino/Tongva Nation Sandonne Goad, Chairperson Gabrielino	07/31/2017	No response received.	09/22/2017: Mr. Dorame stated that he is reluctant to respond to Caltrans' request for consultation due to lack of response from Caltrans in the past, but he is hoping that their response has changed under AB 52. LSA informed him that Caltrans has been very responsive to other groups who have wished to consult on this project. Mr. Dorame could not remember which project was being referred to in this phone call, so he asked that he be emailed a copy of the letter for his reference. He also asked about records search results, survey results, and Sacred Land Files (SLF) search results. He was informed that one site was identified from the records search but the survey and SLF were negative. It was also stated that to Mr. Dorame that the site has not been located since the 1970s. A follow-up email was sent to him and Caltrans was copied. No further comments have been received.
Gabrielino-Tongva Tribe Linda Candelaria, Co-Chairperson Gabrielino	07/31/2017	No response received.	09/19/2017: A voicemail was left for Ms. Candelaria. No response was received.
Juaneño Band of Mission Indians Sonia Johnston, Chairperson Juaneño	07/31/2017	No response received.	09/19/2017: No phone number was provided for Ms. Johnston; a follow-up email was sent. No response was received.
Juaneño Band of Mission Indians Acjachemen Nation – Belardes Matias Belardes, Chairperson Juaneño	07/31/2017	No response received.	09/19/2017: The number provided on the Tribal Consultation List is for Joyce Perry, who is the Tribal Manager for the group. She recommends and requests archaeological and Native American monitoring for the utility vaults and any other excavation deeper than four feet. An email was sent to Caltrans (with Ms. Perry copied) to document this request.
Juaneño Band of Mission Indians Acjachemen Nation – Romero Teresa Romero, Chairperson Juaneño	07/31/2017	No response received.	09/19/2017: Provided name and phone number to woman who answered the phone. Should be receiving a call back from Ms. Romero or a representative sometime today. 09/22/2017: Called Ms. Romero again to follow up because no return phone call from the group was received. This time the call went to voicemail. A voicemail was left for Ms. Romero. No response was received.

Source: *Historic Property Survey Report* (2018).

4.1.4 United States Fish and Wildlife Service

Official species lists were obtained from the United States Fish and Wildlife Service (USFWS) Information, Planning, and Conservation System (IPaC) website on February 13, 2018, for Components 1, 3, and 4. Caltrans also consulted with USFWS on February 13, 2018, regarding project impacts and proposed mitigation for coastal California gnatcatcher (CAGN). The species list provides information about the threatened, endangered, and proposed species, designated critical habitat, and candidate species that may occur in the vicinity of a proposed project. In September 2018, a follow-up request was made to USFWS, to confirm the species list provided in February 2018; no additional endangered, threatened or species of concern were identified. The species lists are included as an insert at the end of this chapter. Informal Section 7 consultation with the USFWS was conducted addressing potential impacts to CAGN and least Bell's vireo (LBVI) or their habitat for Components 1,3, and 4. The Biological Assessment was submitted to USFWS on June 12, 2018. USFWS issued a Biological Opinion on August 30, 2018. All conditions of the Biological Opinion have been incorporated into Section 2.17, Threatened and Endangered Species, and Appendix E of this document. The Biological Opinion is provided at the end of this chapter.

In June 2016, Charles Baker (Caltrans District 12) consulted with Sally Brown (USFWS) to receive approval to conduct abbreviated protocol surveys for federally listed bird species in 2016 due to the acceleration of the project schedule for the SR-133 Safety Project. The modified survey plan proposed that surveys would be conducted from late June through the end of July and that the Section 7 consultation with the USFWS would be based on the results of the shortened surveys. Full protocol surveys would be conducted in spring 2017 prior to the start of project construction, and if the results are different from those in 2016, consultation with the USFWS would be re-initiated at that time. This survey methodology was approved by USFWS on June 22, 2016.

In July 2016, Phillip Richards (ICF) consulted with Sally Brown (USFWS) and William Miller (USFWS) to receive approval to conduct protocol-level trapping surveys for pacific pocket mouse with adjusted trap lines due to the linear nature of the project. Presence/absence trapping surveys for this species generally employs approximately 50 traps per acre in suitable habitat. However, due to the project shape and size, as well as the fact that direct impacts are confined to a small portion of the BSA, the survey plan for the project proposed a total of 230 traps used in six survey areas within the BSA. This survey methodology was deemed adequate to determine

presence/absence of pacific pocket mouse within the project BSA and was approved by USFWS on July 21, 2016 with the understanding that should this species be discovered, additional surveys would be required as part of the consultation process.

On August 30, 2016, a USFWS list of proposed, threatened, and endangered species and critical habitat within and adjacent to the BSA was obtained (USFWS 2016) for the SR-133 Safety Project. Informal Section 7 consultation with the USFWS was conducted addressing potential impacts to CAGN and least Bell's vireo (LBVI) or their habitat for the SR-133 Safety Project (Component 2). The Biological Assessment was submitted to USFWS on April 11, 2017. USFWS issued a Biological Opinion on August 31, 2017. The Biological Opinion is provided at the end of this chapter.

4.1.5 National Marine Fisheries Service

An Official Species list was requested from the National Marine Fisheries Service (NMFS) on February 6, 2018. The species list provides information about the threatened marine species, designated critical marine habitat, and candidate marine species that may occur in the vicinity of a proposed project. This species list is provided at the end of this chapter. On September 13, 2018, an updated species list was provided by NMFS and is included at the end of this chapter.

4.1.6 United States Army Corps of Engineers

A *Preliminary Jurisdictional Delineation* (JD, May 2018) report was prepared for Components 1, 3, and 4 as an appendix to the Natural Environment Study (NES, May 2018) supporting this IS/EA. Areas within the study area have been identified as potentially subject to United States Army Corps of Engineers (USACE) jurisdiction pursuant to Section 404 of the Clean Water Act. The JD will be submitted to the USACE for its review during the permitting process.

On January 6, 2017, a pre-verification field visit was conducted with Tim Jackson (USACE), Kedest Ketsela (Caltrans District 12), Charles Baker (Caltrans District 12), Paul Schwartz (ICF), and Greg Hoisington (ICF) to review the limits of USACE jurisdiction. During the meeting it was confirmed that the active floodplain (limits of OHWM) within the jurisdictional delineation study area and in the historic floodplain (outside of the channels and also outside of the jurisdictional delineation study area) is limited to the features as mapped and it was confirmed that there are no hydrogeomorphic OHWM or vegetative OHWM indicators associated with the mapped features outside of the limits of the channels as mapped and that there are no

hydrogeomorphic or vegetative OHWM indicators located outside of the channels and outside of the jurisdictional delineation study area in the historic floodplain. The results presented in the Jurisdictional Delineation Report include revisions to USACE jurisdictional boundaries as suggested by Tim Jackson and have been preliminarily accepted as accurate by the USACE. All jurisdictional determinations should be considered preliminary until formally reviewed and approved by each respective regulatory agency.

4.1.7 Field Meetings

The following field meetings were conducted with resource/regulatory agencies for the project:

- California Department of Fish and Wildlife (CDFW): Caltrans biologist had a field meeting with a CDFW biologist on July 17, 2017. Caltrans conducted a field visit with representatives from USFWS (Carlsbad), CDFW, OC Parks, OC Public Works and RWQCB (San Diego) on October 12, 2017. USACE was invited, but unable to attend the meeting on October 12, 2017.
- Caltrans conducted a field visit with representatives from USFWS (Carlsbad), CDFW, OC Public Works, USACE, and OC Parks and the City of Laguna Beach on September 27, 2018. The RWQCB was invited to the meeting but was not able to attend.

Continued coordination with the CDFW, the RWQCB, and the USACE will occur during the regulatory permitting process.

4.1.8 FHWA Conformity Determination

The proposed project was submitted to the FHWA FTIP under RTIP#ORA001102 and is considered consistent with exemptions for 40 CFR Part 93.126. See Appendix F for the project listing documentation.

4.1.9 California Coastal Commission Coordination

Coordination meeting between Districts 7, 12, and the California Coastal Commission are held semi-annually to discuss project workloads that lie within the coastal zone. During these meetings, the opportunity is given to discuss, plan, and coordinate any issues in the coastal zone that could affect Caltrans projects. Some topics discussed include:

- Ways to integrate the California Coastal Commission in the SB 1 workload

- Incorporation of the Orange County Coastal Trail into Caltrans projects
- Updates given on State Coastal Conservancy, Local Coastal Programs (LCPs), and Bike/Pedestrian Plans

During the September 26th coordination meeting, the SR-133 project was discussed and Coastal Commission staff indicated that they provided comments on the IS/EA.

4.2 Community Outreach and Public Involvement

4.2.1 Project Development Team

The PDT meetings for this project started in 2016. PDT members for this project consist of members from different functional units composed of the project manager, representatives from district design, environmental, traffic, safety, surveys, construction, and maintenance units, and the right-of-way unit. In addition, the City of Laguna Beach (City), OC Public Works, and Southern California Edison (SCE) have participated regularly in these PDT meetings. These PDT meetings cover a wide range of topics related to the proposed project, including development and evaluation of components of the project, engineering considerations, environmental issues, and the environmental document and documentation process. A major complex component of this project is the undergrounding of utilities. As a result, Caltrans has been sharing its plans and discussing issues as it relates to utilities with SCE since the inception of this project in 2016. Caltrans has also discussed and shared its plans and issues with the City of Laguna Beach and the County of Orange.

The PDT recommended Alternative 1- Build Alternative as the Preferred Alternative. Detailed information on the selection of the Preferred Alternative (Build Alternative) is discussed in Chapter 1 of this document.

4.2.2 Public Participation

The City of Laguna Beach, OC Public Works, and Caltrans presented the proposed project and potential cultural, paleontological, and biological resources impacts and associated mitigation measures to the Coastal Greenbelt Authority on September 19, 2017, and March 15, 2018.

Caltrans was invited by the City to present the scope of work; hence, a meeting was held on April 10, 2018, at the City of Laguna Beach. In attendance were Caltrans Project Management, Environmental Analysis, Design, Landscape, and Traffic representatives. A representative from each of the following City departments was in attendance: Public Works, the City Manager's office, and the Police Department. OC

Parks and Laguna Canyon Foundation representatives were also in attendance. Areas of concern discussed were the undergrounding of utilities (i.e., whether it will require take of parkland); impacts to riparian vegetation and restoration plans; restoration plan for the slope area between El Toro Road and the Willow parking lot; ingress/egress effects to the Willow parking lot; alternative solutions (e.g., eliminate the left-turn lane on to El Toro Road from State Route 133 [SR-133] and route traffic to State Route 73; eliminate the median area on southbound SR-133 prior to El Toro Road; and regarding the second alternative, use the entire roadway width to create the two northbound lanes).

A public notice was printed in three newspapers of general circulation for public review of the Draft IS/EA, including the Orange County Register, Stu News Laguna, and the Laguna Beach Independent on June 11, June 12, and June 15, 2018, respectively. In addition, public notice was also distributed to federal, State, regional and local agencies; utility providers affected by the proposed project; and interested groups, organizations, and individuals within the community, listed in the Chapter 6 Distribution List. The purpose of the public notice was to solicit comments on the Draft IS/EA, as well as include information regarding the public hearing (open house format). A public hearing (open house format) was held on June 27, 2018, from 5:00 p.m. to 7:00 p.m., at Laguna Beach High School, 625 Park Avenue, Laguna Beach, CA 92651. Questions were addressed, and a court reporting service was made available to accept comments or document any remaining inquiries. Additional outreach methods included direct mail, fliers, and extended outreach and electronic notices. Copies of the Notice of Availability, the postcard announcement, and newspaper advertisements are provided at the end of the chapter.

Public circulation of the Draft IS/EA began on June 11, 2018, for a 30-day review period and ended on July 10, 2018. The Draft IS/EA was available online at <http://www.dot.ca.gov/d12/DEA/133/0P94U> and made available for public review at the following locations:

- Caltrans District 12 Office, 1750 East 4th Street, Suite 100, Santa Ana, CA 92705
- Laguna Beach Library, 363 Glenneyre Street, Laguna Beach, CA 92651
- Laguna Woods Village Library, 24266 Calle Aragon, Laguna Woods, CA 92637

A public hearing (open house format) was held on June 27, 2018, from 5:00 p.m. to 7:00 p.m., at Laguna Beach High School, 625 Park Avenue, Laguna Beach, CA 92651. Questions were addressed, and a court reporting service was made available to

accept comments or document any remaining inquiries. Approximately 130 members of the public were in attendance at the public hearing. A total of 62 written comments were accepted at the hearing, and 28 verbal comments were recorded via a court reporter. Comments received via comment cards and/or the court reporter are provided in Appendix I. The following issues were received at the public hearing:

- Length of construction period;
- Effect of southbound merge lane on congestion and ingress/egress to the Willow Staging Area and the Anneliese School;
- Relocation of the Anneliese School entry opposite of Willow Drive with a signal similar to Laguna College of Art + Design;
- Alternative improvements at El Toro Road, including roundabout or full or partial closure of lanes on El Toro Road;
- Effects to Laguna Coast Wilderness Park, including loss of parkland, alteration of visual character and biological/riparian impacts;
- Undergrounding of utilities inside the roadway shoulder/bikeway, rather than outside the roadway shoulder;
- Cost of the project;
- Congestion not being eliminated and would be moved further down SR-133;
- Advocating for more police patrols;
- Maintenance of the rural character of Laguna Canyon and protection of the open spaces and trees;
- Construction noise, particularly, around the Anneliese School and a request for construction to be conducted at night;
- Support for the No Build Alternative; and
- Critique of meeting format/public notification strategies.

Responses to comments received during the public circulation period of the IS/EA, including those provided at the public hearing, are provided in Appendix I. Where changes to the text of the MND/FONSI were required to clarify text in response to comments, a vertical line has been provided in the margin to denote where a revision to the text has occurred.

Upon approval of the MND/FONSI, the public notice will be published in three newspapers (OC Register, Stu News Laguna and the Laguna Beach Independent). The public notice will also be distributed to federal, State, regional and local agencies; utility providers affected by the proposed project; and interested groups, organizations, and individuals within the community to notify them that Caltrans has

adopted the IS/MND and approved the EA/FONSI. The approved MND/FONSI will be made available online at <http://www.dot.ca.gov/d12/DEA/133/0P94U>.

4.2.3 Stakeholder Meetings

The following stakeholder meetings were also being organized and held for the project:

- On August 16, 2017, Caltrans, the City, and LCF met to discuss the project and a follow-up field meeting with the City and LCF was conducted on August 30, 2017.
- On September 21, 2017, Caltrans staff presented the project to the Coastal Greenbelt Authority (CGA).
- On September 28, 2017, a field meeting for Component 2 was held.
- On March 15, 2018, both Caltrans and Orange County Public Works staff presented the project to CGA.
- On April 10, 2018, Caltrans staff presented the project to the City of Laguna Beach.
- On July 5, 2018, Caltrans, the County of Orange, and the City of Laguna Beach met to discuss potential safety and environmental issues.
- On July 9, 2018, Mrs. Lisa Bartlett, Supervisor of the 5th District, Mr. Bob Whalen, Laguna Beach Councilmember, and representatives of Caltrans, the County of Orange, the City of Laguna Beach, the Laguna Canyon Foundation (LCF), and other community stakeholders met and conducted a site visit. Several questions were raised at this meeting, including safety data, new simulation if the merge lane did not exist on SR-133 from El Toro Road in the southbound direction, safety concerns at the Willow Staging Area to those making a left turn on SR-133, the Utility Company Access Point (UCAP) resizing, oak tree impacts, undergrounding of utilities outside of shoulders, and local riparian mitigation.
- On July 24, 2018, Caltrans, the County of Orange, OC Parks, the City of Laguna Beach, the CGA, and the LCF met to discuss mitigation options for impacts to wetlands and riparian vegetation.
- On September 12, 2018, Caltrans, City of Laguna Beach staff, County of Orange staff, and Supervisor Bartlett met to discuss the proposed project. Caltrans recapped issues raised at the July 9, 2018, meeting and presented solutions or reasons for not moving forward with these concerns.

State Historic Preservation Officer Concurrence

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**OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION**

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SACRAMENTO, CA 95816-7100
(916) 445-7000 Fax: (916) 445-7053
calshpo@parks.ca.gov
www.ohp.parks.ca.gov



January 19, 2017

VIA EMAIL

In reply refer to: FHWA_2016_1221_001

Charles Baker
Environmental Analysis – Specialist Branch Chief
Caltrans District 12, Santa Ana
1750 East Fourth Street, Suite 100
Santa Ana, CA 92705

Subject: Determination of Eligibility for the Proposed SR-133 Safety Project, in Orange County, CA

Dear Mr. Baker:

Thank you for consulting with me about the subject undertaking in accordance with the January 1, 2014 *First Amended 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 (PA)*.

Caltrans has determined that a segment of P-30-177470 Laguna Canyon Road between Phillips Street and 1,200 feet north of El Toro Road is not eligible for the listing in the National Register of Historic Places (NRHP).

Based on my review of the submitted documentation I concur.

Thank you for considering historic properties during project planning. If you have any questions, please contact Natalie Lindquist of my staff at (916) 445-7014 with e-mail at natalie.lindquist@parks.ca.gov or Alicia Perez at (916) 445-7020 with e-mail at alicia.perez@parks.ca.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Julianne Polanco'.

Julianne Polanco
State Historic Preservation Officer

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**DEPARTMENT OF PARKS AND RECREATION
OFFICE OF HISTORIC PRESERVATION**

Lisa Ann L. Mangat, Director

Julianne Polanco, State Historic Preservation Officer

1725 23rd Street, Suite 100, Sacramento, CA 95816-7100

Telephone: (916) 445-7000 FAX: (916) 445-7053

calshpo.ohp@parks.ca.gov www.ohp.parks.ca.gov

July 24, 2018

VIA EMAIL

In reply refer to: FHWA_2018_0619_001

Mr. Charles Baker
Environmental Analysis – Specialist Branch Chief
Caltrans District 12, Santa Ana
1750 East Fourth Street, Suite 100
Santa Ana, CA 92705

Subject: Determination of Eligibility for the Proposed SR-133 (Laguna Canyon Road)
Improvement Project, Orange County, CA

Dear Mr. Baker:

Caltrans is initiating consultation for the above project in accordance with the January 1, 2014 *First Amended Programmatic Agreement Among the Federal Highway Administration (FHWA), 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 (PA)*. As part of your documentation, Caltrans submitted a Historic Property Survey Report, and an Archaeological Survey Report (ASR) for the project.

Caltrans proposes to make improvements to SR-133 (Laguna Canyon Road) in both directions from approximately 1,700 feet south of El Toro Road to the SR-133/SR-73 Interchange between PM 3.1 and 4.1 in the City of Laguna Beach.

Pursuant to Stipulation VIII.C.6 of the PA, Caltrans is requesting SHPO concurrence that SR-133 (Laguna Canyon Road) is not eligible for the National Register of Historic Places.

Based on my review of the submitted documentation, I concur.

Thank you for considering historic properties during project planning. If you have any questions, please contact Natalie Lindquist of my staff at (916) 445-7014 with e-mail at

Mr. Baker
July 24, 2018
Page 2

FHWA_2018_0619_001

natalie.lindquist@parks.ca.gov or Alicia Perez at (916) 445-7020 with e-mail at alicia.perez@parks.ca.gov .

Sincerely,

A handwritten signature in blue ink, appearing to read 'Julianne', followed by a long horizontal line.

Julianne Polanco
State Historic Preservation Officer

Section 4(f) Concurrence Letters

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DYLAN WRIGHT
DIRECTOR
OC COMMUNITY RESOURCES

CYMANTHA ATKINSON
DEPUTY DIRECTOR
OC COMMUNITY RESOURCES

MIKE KAVIANI
DIRECTOR
OC ANIMAL CARE

JULIA BIDWELL
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OC HOUSING & COMMUNITY
DEVELOPMENT

JIM WHEELER
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CONTINUUM OF CARE

RENEE RAMIREZ
DIRECTOR
OC COMMUNITY SERVICES

STACY BLACKWOOD
DIRECTOR
OC PARKS

HELEN FRIED
COUNTY LIBRARIAN
OC PUBLIC LIBRARIES

September 20, 2018

Smita Deshpande
Branch Chief, Division of Environmental Analysis
Caltrans District 12

Subject: State Route 133 (SR-133) Combined Project

Dear Ms. Deshpande:

OC Parks appreciates the opportunity to participate in the Section 4(f) de minimis concurrence process. OC Parks understands that the California Department of Transportation (Caltrans) District 12 is proposing improvements along SR-133 in the City of Laguna Beach.

Caltrans has determined that the de minimis finding is appropriate, subject to the below listed conditions, and would be maintained with regard to the potential impacts to the activities, features, and attributes that qualify Laguna Coast Wilderness Park (LCWP) for protection under Section 4(f).

Conditions of Concurrence

As a condition of concurrence with a de minimis 4(f) finding for this project, Caltrans will implement the following conditions of concurrence (CC) to avoid or minimize impacts to the activities, features, and attributes that qualify LWCP for protection under Section 4(f):

- CC1. To ensure that the project does not result in a net loss of Reserve acreage or function and thus is consistent with the NCCP/HCP, Caltrans has committed to work with the Natural Communities Coalition and signatories to the NCCP/HCP to add to the Reserve habitat that is equivalent to or greater than the habitat removed from the Reserve, both in terms of acreage and habitat quality. This boundary modification to the Reserve must be completed prior to project implementation for the project to be consistent with the NCCP/HCP.
- CC2. Existing coast live oak trees (*Quercus agrifolia*) within the project's limit of disturbance shall be protected in place. A qualified arborist shall be retained to develop tree protection measures to minimize impacts to the existing trees root systems during construction. OC Parks understands that recent design revisions, including removal of one Utility Company Access Pullout (UCAP) at Station 121+00 in the southbound direction near El Toro Road has the potential to reduce impacts to oak trees within the project area.



13042 OLD MYFORD ROAD
IRVINE, CA 92602
PHONE: 866.OC PARKS
FAX: 714-667-6511

Caltrans will continue to coordinate with OC Parks throughout the project design process and agrees to employ a qualified arborist to monitor activities impacting oak trees during construction.

- CC3. The subject project as described in the initial environmental review called for a 10-foot high retaining wall with cable fencing along the westerly edge of the roadway abutting LCWP. OC Parks provided comment that the retaining wall, as originally contemplated in the Alternative 2 Build Alternative, constituted a moderate to high visual impact and therefore, could not concur with a finding of de minimis impact. Caltrans subsequently performed a geotechnical analysis and found that the wall can be eliminated by contour grading the natural sandstone slope. At OC Parks' request, due to potential impacts to up to 14 oak trees in the grading area, Caltrans has re-evaluated this approach and is now proposing a hybrid/combo option that would include a low retaining wall/minimal slope grading solution to further reduce impacts to oak trees in this area. Caltrans will contour grade the slope to create naturalistic undulating slopes to mimic the surrounding natural terrain. During final engineering design, Caltrans will continue to coordinate with OC Parks to finalize details of this hybrid/combo option. Additionally, OC Parks remains concerned about potential viewshed impacts from the Stagecoach South trail due to the potential for native vegetation disturbance/removal. Caltrans shall mitigate any such disturbance by replanting/revegetating the area of concern with native vegetation, to OC Parks' satisfaction.
- CC4. Caltrans shall install new boundary fencing to match existing cable strand fencing. Caltrans will revegetate the graded slope with appropriate native habitat and ensure plant species are established with a minimum 5-year plant establishment period, including exotic plant species removal and re-application of native seed and/or replanting of container plants as necessary. Temporary irrigation will be required, and removed following plant establishment.
- CC5. OC Parks supports Caltrans' efforts to coordinate with Southern California Edison to accomplish utility relocations and utility undergrounding within Caltrans right-of-way, in order to minimize impacts to natural resources. Reducing the project's footprint may also serve to reduce Caltrans' mitigation requirements, in particular riparian habitat for which mitigation opportunities are limited.
- CC6. The project proposes to add an additional 12-foot travel lane and an 8-foot shoulder for southbound SR-133 in front of the existing driveway for LCWP Willow Canyon Staging Area. OC Parks has notified Caltrans of its concerns regarding added safety risk associated with staff and park vehicle turn movements to and from the driveway to navigate the additional travel lanes. Caltrans will review safety issues at the Willow Canyon Staging Area and incorporate appropriate safety features as needed. Such features shall not include a no left turn requirement for vehicles entering and existing the staging area. Caltrans shall allow for a portion of the bike lane / shoulder near the Willow Canyon Staging Area driveway to be used for vehicles entering and exiting the staging area.

- CC7. The existing LCWP monument sign near the Willow Canyon Staging Area driveway may be impacted by the project. Should the sign need to be relocated due to project construction, Caltrans shall relocate the sign to a location approved by OC Parks.
- CC8. Caltrans agrees to improve the Willow Canyon Staging Area driveway apron by installing asphalt pavement in the area of the existing decomposed granite in order to improve safety for vehicular ingress and egress.

My signature below represents written concurrence on the de minimis finding by Caltrans, subject to the above-referenced conditions, that the SR-133 combined project will not adversely affect the activities, features, and attributes that qualify the Laguna Coast Wilderness Park for protection under Section 4(f). The use of the Section 4(f) resource during construction in conjunction with the 4(f) impact avoidance, minimization, and/or mitigation measures incorporated into the safety project, ensures the activities, features, and attributes of the park will not be adversely affected. The public has been afforded the opportunity to review and comment on the effects of the project on the protected activities, features, and attributes of the Section 4(f) resource. The signature is below is conditioned upon the Section 4(f) impacts and avoidance, minimization, and/or mitigation measures as previously referenced.

OC Parks' conditional approval of a de minimis finding under Section 4(f) does not constitute approval by other parties whose fee ownership of parcels comprises portions of LWCP. If permanent property rights are required from others, Caltrans must seek their concurrence under Section 4(f) separate from this letter.

Sincerely,



Eric E. Hull, AICP
Entitlement Manager, OC Parks

c: Stacy Blackwood, OC Parks
Scott Thomas, OC Parks
Megan Yoo Schneider, Office of Supervisor Lisa Bartlett, Fifth District
Hallie Jones, Laguna Canyon Foundation

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DYLAN WRIGHT
DIRECTOR
OC COMMUNITY RESOURCES

CYMANTHA ATKINSON
DEPUTY DIRECTOR
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JENNIFER HAWKINS, DVM
DIRECTOR
OC ANIMAL CARE

RENEE RAMIREZ
DIRECTOR
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JULIA BIDWELL
DIRECTOR
HOUSING & COMMUNITY
DEVELOPMENT &
HOMELESS PREVENTION

STACY BLACKWOOD
DIRECTOR
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HELEN FRIED
COUNTY LIBRARIAN
OC PUBLIC LIBRARIES



13042 OLD MYFORD ROAD
IRVINE, CA 92602
PHONE: 866.OC PARKS
FAX: 714-667-6511

May 21, 2018
Sent via email

Smita Deshpande
Caltrans District 12
Branch Chief, Division of Environmental Analysis

Subject: State Route 133 (SR-133) Safety Project

Dear Ms. Deshpande:

This is in response to your request for concurrence with your determination that the subject project will not adversely affect the activities, features, and attributes that qualify the Laguna Coast Wilderness Park (LCWP) for protection under Section 4(f).

Project Description

Caltrans proposes to extend the acceleration lane on State Route 133 (SR-133) 600 feet northbound from El Toro Road, extend the acceleration lane 900 feet southbound from El Toro Road, reassign the exclusive right-turn lane to an optional right/left turn lane on westbound El Toro Road, and construct a new culvert immediately west of SR-133. Including temporary impacts and other construction activities, the project spans roughly 1,700 feet south to 1,200 feet north of the SR-133/El Toro Road intersection in the City of Laguna Beach, Orange County, California.

The purpose of this project is to eliminate the existing lane drop in the northbound direction, extend the second lane in the southbound direction, provide for a standard lane drop length, and improve lane assignment from El Toro Road onto SR-133. These improvements are expected to reduce collision rates at this location.

The proposed project will add a second southbound lane and will widen the existing paved shoulder from 4 feet to 8 feet through the existing LCWP Willow Canyon Staging Area driveway segment. Presently, the project proposes to maintain all existing turn movements in to and out of the Willow Canyon Staging Area driveway.

The project will result in the temporary loss of 0.03 acre of upland and 0.19 acre of riparian habitat and the permanent loss of 0.04 acre of upland and 0.28 acre of riparian habitat within both the County of Orange Central and Coastal Subregion Natural Communities Conservation Plan/Habitat.

State Route 133 (SR-133) Safety Project

Conservation Plan (NCCP/HCP) Reserve system (Reserve) and Caltrans' right of ways.

Caltrans will acquire a new right of way from OC Parks within the Reserve in order to construct the project. Due to public comments and OC Parks concerns regarding the visual impacts associated with a proposed 10-foot high retaining wall along the LCWP frontage slope, Caltrans has agreed to eliminate the retaining wall.

Conditions of Concurrence

As a condition of concurrence with a De Minimis 4f finding for this project, Caltrans will implement the following conditions of concurrence (CC) to avoid or minimize impacts to the activities, features, and attributes that qualify the Laguna Coast Wilderness Park for protection under Section 4(f).

- CC1. To ensure that the project does not result in a net loss of Reserve acreage or function and thus is consistent with the NCCP/HCP, Caltrans has committed to work with the Natural Communities Coalition and signatories to the NCCP/HCP to add to the Reserve habitat that is of equivalent to or greater than the habitat removed from the Reserve, both in terms of acreage and habitat quality. This boundary modification to the Reserve must be completed prior to project implementation for the project to be consistent with the NCCP/HCP.
- CC2. Existing coast live oak trees disturbance (*Quercus agrifolia*) within the subject project's limit of shall be protected in place. A qualified arborist shall be retained to develop tree protection measures to minimize impacts to the existing trees root systems during construction.
- CC3. The subject project as described in the initial environmental review called for a 10-foot high retaining wall with cable fencing along the westerly edge of the roadway abutting LCWP. OC Parks provided comment that the retaining wall, as originally contemplated in the Alternative 2 Build Alternative, constituted a moderate to high visual impact and therefore, could not concur with a finding of de minimis impact. Caltrans subsequently performed a geotechnical analysis and found that the wall can be eliminated by contour grading the natural sandstone slope. Caltrans will contour grade the slope to create naturalistic undulating slopes to mimic the surrounding natural terrain. Caltrans shall install new boundary fencing to match existing cable strand fencing. Caltrans will revegetate the graded slope with appropriate native habitat and ensure plant species are established with a minimum 5-year plant establishment period, including exotic plant species removal and re-application of native seed and/or replanting of container plants as necessary. Temporary irrigation will be removed following plant establishment.
- CC4. Utility relocations will occur within Caltrans right-of-way and not encroach into LCWP.

State Route 133 (SR-133) Safety Project

- CC5. The project proposes to add an additional 12-foot travel lane and an 8-foot Class 2 bike lane for southbound SR-133 in front of the existing driveway for LCWP Willow Canyon Staging Area. OC Parks has notified Caltrans of its concerns regarding added safety risk associated with staff and park vehicle turn movements to and from the driveway to navigate the additional travel lanes. Caltrans will review safety issues at the Willow Canyon Staging Area and incorporate appropriate safety features as needed. Such features shall not include a no left turn requirement for vehicles entering and existing the staging area. Caltrans shall allow for a portion of the bike lane shoulder near the Willow Canyon Staging Area driveway to be used for vehicles entering and exiting the staging area.
- CC6. The existing LCWP monument sign near the Willow Canyon Staging Area driveway may be impacted by the project. Should the sign need to be relocated due to project construction, Caltrans shall relocate the sign to a location approved by OC Parks.

Conclusion

Based on information provided and the incorporation of the above conditions of concurrence, we concur with your determination that the proposed subject project will not adversely affect the activities, features, and attributes that qualify the Laguna Coast Wilderness Park for protection under Section 4(f). The use of the Section 4(f) resource during construction in conjunction with the 4(f) impact avoidance, minimization, conditions of concurrence and/or mitigation measures incorporated into the safety project, ensures the activities, features, and attributes of the park will not be adversely affected.

Through your environmental review process and two presentations to the Coastal Greenbelt Authority, the public has been afforded the opportunity to review and comment on the effects of the project on the protected activities, features, and attributes of the Section 4(f) resource.

Thank you for your coordination on this project. If you have any questions regarding this letter, please contact me at 949-585-6446.



Eric E. Hull, AICP
Entitlement Manager, OC Parks

cc: Stacy Blackwood
Scott Thomas
John Gannaway
Barbara Norton
Jennifer Naegele

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United States Fish and Wildlife Service Species List
and
California Native Plant Society

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United States Department of the Interior

FISH AND WILDLIFE SERVICE

Carlsbad Fish And Wildlife Office
2177 Salk Avenue - Suite 250
Carlsbad, CA 92008-7385
Phone: (760) 431-9440 Fax: (760) 431-5901
<http://www.fws.gov/carlsbad/>



In Reply Refer To:

September 13, 2018

Consultation Code: 08ECAR00-2017-SLI-1198

Event Code: 08ECAR00-2018-E-03803

Project Name: SR-133 Shoulder Widening and Drainage Improvement Project

Subject: Updated list of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, and proposed species, designated critical habitat, and candidate species that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (http://www.fws.gov/windenergy/eagle_guidance.html). Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Carlsbad Fish And Wildlife Office

2177 Salk Avenue - Suite 250

Carlsbad, CA 92008-7385

(760) 431-9440

Project Summary

Consultation Code: 08ECAR00-2017-SLI-1198

Event Code: 08ECAR00-2018-E-03803

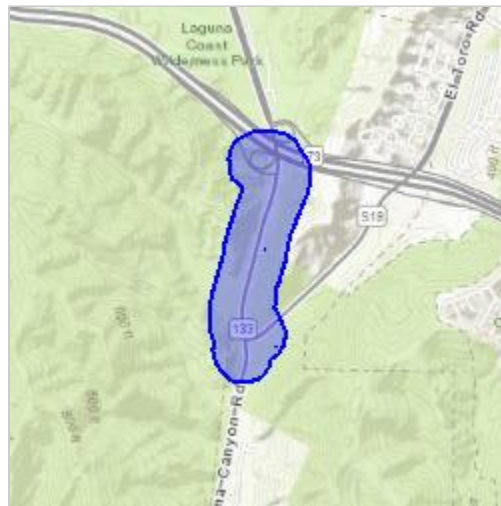
Project Name: SR-133 Shoulder Widening and Drainage Improvement Project

Project Type: TRANSPORTATION

Project Description: Caltrans in association with County of Orange and City of Laguna Beach proposes to facilitate greater roadway safety along State Route (SR) 133 by improving drainages, constructing bicycle lanes, and relocating overhead utilities to underground facilities on SR-133 between SR-73 interchange and El Toro Road. The project is located in the City of Laguna Beach and unincorporated part of the County.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/33.58697053264208N117.76089354583961W>



Counties: Orange, CA

Endangered Species Act Species

There is a total of 9 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

NAME	STATUS
Pacific Pocket Mouse <i>Perognathus longimembris pacificus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/8080	Endangered

Birds

NAME	STATUS
California Least Tern <i>Sterna antillarum browni</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/8104	Endangered
Coastal California Gnatcatcher <i>Polioptila californica californica</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/8178	Threatened
Least Bell's Vireo <i>Vireo bellii pusillus</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/5945	Endangered
Southwestern Willow Flycatcher <i>Empidonax traillii extimus</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/6749	Endangered
Western Snowy Plover <i>Charadrius nivosus nivosus</i> Population: Pacific Coast population DPS-U.S.A. (CA, OR, WA), Mexico (within 50 miles of Pacific coast) There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/8035	Threatened

Fishes

NAME	STATUS
Tidewater Goby <i>Eucyclogobius newberryi</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/57	Endangered

Flowering Plants

NAME	STATUS
Big-leaved Crownbeard <i>Verbesina dissita</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/8049	Threatened
Laguna Beach Liveforever <i>Dudleya stolonifera</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/7919	Threatened

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.



Selected Elements by Common Name

California Department of Fish and Wildlife

California Natural Diversity Database



Query Criteria: Quad (Laguna Beach (3311757) OR San Juan Capistrano (3311756) OR Tustin (3311767) OR El Toro (3311766) OR Santiago Peak (3311765) OR Canada Gobernadora (3311755) OR Dana Point (3311746) OR San Clemente (3311745))

Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
Allen's pentachaeta <i>Pentachaeta aurea ssp. allenii</i>	PDAST6X021	None	None	G4T1	S1	1B.1
American badger <i>Taxidea taxus</i>	AMAJF04010	None	None	G5	S3	SSC
aphanisma <i>Aphanisma blitoides</i>	PDCHE02010	None	None	G3G4	S2	1B.2
arroyo chub <i>Gila orcuttii</i>	AFCJB13120	None	None	G2	S2	SSC
arroyo toad <i>Anaxyrus californicus</i>	AAABB01230	Endangered	None	G2G3	S2S3	SSC
Belding's savannah sparrow <i>Passerculus sandwichensis beldingi</i>	ABPBX99015	None	Endangered	G5T3	S3	
big free-tailed bat <i>Nyctinomops macrotis</i>	AMACD04020	None	None	G5	S3	SSC
big-leaved crownbeard <i>Verbesina dissita</i>	PDAST9R050	Threatened	Threatened	G1G2	S1	1B.1
Blochman's dudleya <i>Dudleya blochmaniae ssp. blochmaniae</i>	PDCRA04051	None	None	G3T2	S2	1B.1
burrowing owl <i>Athene cunicularia</i>	ABNSB10010	None	None	G4	S3	SSC
California black rail <i>Laterallus jamaicensis coturniculus</i>	ABNME03041	None	Threatened	G3G4T1	S1	FP
California glossy snake <i>Arizona elegans occidentalis</i>	ARADB01017	None	None	G5T2	S2	SSC
California horned lark <i>Eremophila alpestris actia</i>	ABPAT02011	None	None	G5T4Q	S4	WL
California least tern <i>Sternula antillarum browni</i>	ABNNM08103	Endangered	Endangered	G4T2T3Q	S2	FP
California mountain kingsnake (San Diego population) <i>Lampropeltis zonata (pulchra)</i>	ARADB19063	None	None	G4G5	S1S2	WL
California satintail <i>Imperata brevifolia</i>	PMPOA3D020	None	None	G4	S3	2B.1
Canyon Live Oak Ravine Forest <i>Canyon Live Oak Ravine Forest</i>	CTT61350CA	None	None	G3	S3.3	
chaparral nolina <i>Nolina cismontana</i>	PMAGA080E0	None	None	G3	S3	1B.2
chaparral ragwort <i>Senecio aphanactis</i>	PDAST8H060	None	None	G3	S2	2B.2



Selected Elements by Common Name
California Department of Fish and Wildlife
California Natural Diversity Database



Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
cliff spurge <i>Euphorbia misera</i>	PDEUP0Q1B0	None	None	G5	S2	2B.2
coast horned lizard <i>Phrynosoma blainvillii</i>	ARACF12100	None	None	G3G4	S3S4	SSC
coast patch-nosed snake <i>Salvadora hexalepis virgulata</i>	ARADB30033	None	None	G5T4	S2S3	SSC
Coast Range newt <i>Taricha torosa</i>	AAAAF02032	None	None	G4	S4	SSC
coastal cactus wren <i>Campylorhynchus brunneicapillus sandiegensis</i>	ABPBG02095	None	None	G5T3Q	S3	SSC
coastal California gnatcatcher <i>Poliophtila californica californica</i>	ABPBJ08081	Threatened	None	G4G5T2Q	S2	SSC
coastal whiptail <i>Aspidoscelis tigris stejnegeri</i>	ARACJ02143	None	None	G5T5	S3	SSC
Cooper's hawk <i>Accipiter cooperii</i>	ABNKC12040	None	None	G5	S4	WL
Coronado skink <i>Plestiodon skiltonianus interparietalis</i>	ARACH01114	None	None	G5T5	S2S3	WL
Coulter's goldfields <i>Lasthenia glabrata ssp. coulteri</i>	PDAST5L0A1	None	None	G4T2	S2	1B.1
Coulter's saltbush <i>Atriplex coulteri</i>	PDCHE040E0	None	None	G3	S1S2	1B.2
Crotch bumble bee <i>Bombus crotchii</i>	IIHYM24480	None	None	G3G4	S1S2	
Davidson's saltscale <i>Atriplex serenana var. davidsonii</i>	PDCHE041T1	None	None	G5T1	S1	1B.2
decumbent goldenbush <i>Isocoma menziesii var. decumbens</i>	PDAST57091	None	None	G3G5T2T3	S2	1B.2
Dulzura pocket mouse <i>Chaetodipus californicus femoralis</i>	AMAFD05021	None	None	G5T3	S3	SSC
estuary seablite <i>Suaeda esteroa</i>	PDCHE0P0D0	None	None	G3	S2	1B.2
ferruginous hawk <i>Buteo regalis</i>	ABNKC19120	None	None	G4	S3S4	WL
Gambel's water cress <i>Nasturtium gambelii</i>	PDBRA270V0	Endangered	Threatened	G1	S1	1B.1
globose dune beetle <i>Coelus globosus</i>	IICOL4A010	None	None	G1G2	S1S2	
golden eagle <i>Aquila chrysaetos</i>	ABNKC22010	None	None	G5	S3	FP
grasshopper sparrow <i>Ammodramus savannarum</i>	ABPBXA0020	None	None	G5	S3	SSC



Selected Elements by Common Name
California Department of Fish and Wildlife
California Natural Diversity Database



Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
Hall's monardella <i>Monardella macrantha</i> ssp. <i>hallii</i>	PDLAM180E1	None	None	G5T3	S3	1B.3
heart-leaved pitcher sage <i>Lepechinia cardiophylla</i>	PDLAM0V020	None	None	G3	S2S3	1B.2
intermediate mariposa-lily <i>Calochortus weedii</i> var. <i>intermedius</i>	PMLIL0D1J1	None	None	G3G4T2	S2	1B.2
intermediate monardella <i>Monardella hypoleuca</i> ssp. <i>intermedia</i>	PDLAM180A4	None	None	G4T2?	S2?	1B.3
Laguna Beach dudleya <i>Dudleya stolonifera</i>	PDCRA040P0	Threatened	Threatened	G1	S1	1B.1
least Bell's vireo <i>Vireo bellii pusillus</i>	ABPBW01114	Endangered	Endangered	G5T2	S2	
light-footed Ridgway's rail <i>Rallus obsoletus levipes</i>	ABNME05014	Endangered	Endangered	G5T1T2	S1	FP
little mousetail <i>Myosurus minimus</i> ssp. <i>apus</i>	PDRAN0H031	None	None	G5T2Q	S2	3.1
long-eared owl <i>Asio otus</i>	ABNSB13010	None	None	G5	S3?	SSC
long-spined spineflower <i>Chorizanthe polygonoides</i> var. <i>longispina</i>	PDPGN040K1	None	None	G5T3	S3	1B.2
Los Angeles sunflower <i>Helianthus nuttallii</i> ssp. <i>parishii</i>	PDAST4N102	None	None	G5TH	SH	1A
many-stemmed dudleya <i>Dudleya multicaulis</i>	PDCRA040H0	None	None	G2	S2	1B.2
mesa horkelia <i>Horkelia cuneata</i> var. <i>puberula</i>	PDROS0W045	None	None	G4T1	S1	1B.1
Mexican long-tongued bat <i>Choeronycteris mexicana</i>	AMACB02010	None	None	G4	S1	SSC
mimic tryonia (=California brackishwater snail) <i>Tryonia imitator</i>	IMGASJ7040	None	None	G2	S2	
monarch - California overwintering population <i>Danaus plexippus</i> pop. 1	IILEPP2012	None	None	G4T2T3	S2S3	
mud nama <i>Nama stenocarpa</i>	PDHYD0A0H0	None	None	G4G5	S1S2	2B.2
northern harrier <i>Circus cyaneus</i>	ABNKC11010	None	None	G5	S3	SSC
northwestern San Diego pocket mouse <i>Chaetodipus fallax fallax</i>	AMAFD05031	None	None	G5T3T4	S3S4	SSC
Nuttall's scrub oak <i>Quercus dumosa</i>	PDFAG050D0	None	None	G3	S3	1B.1
orange-throated whiptail <i>Aspidoscelis hyperythra</i>	ARACJ02060	None	None	G5	S2S3	WL



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Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
Orcutt's pincushion <i>Chaenactis glabriuscula</i> var. <i>orcuttiana</i>	PDAST20095	None	None	G5T1T2	S1	1B.1
Pacific pocket mouse <i>Perognathus longimembris pacificus</i>	AMAFD01042	Endangered	None	G5T1	S1	SSC
pallid bat <i>Antrozous pallidus</i>	AMACC10010	None	None	G5	S3	SSC
Palmer's grapplinghook <i>Harpagonella palmeri</i>	PDBOR0H010	None	None	G4	S3	4.2
Parish's brittlescale <i>Atriplex parishii</i>	PDCHE041D0	None	None	G1G2	S1	1B.1
Pendleton button-celery <i>Eryngium pendletonense</i>	PDAP10Z120	None	None	G1	S1	1B.1
pocketed free-tailed bat <i>Nyctinomops femorosaccus</i>	AMACD04010	None	None	G4	S3	SSC
prostrate vernal pool navarretia <i>Navarretia prostrata</i>	PDPLM0C0Q0	None	None	G2	S2	1B.1
red-diamond rattlesnake <i>Crotalus ruber</i>	ARADE02090	None	None	G4	S3	SSC
Riverside fairy shrimp <i>Streptocephalus woottoni</i>	ICBRA07010	Endangered	None	G1G2	S1S2	
Robinson's pepper-grass <i>Lepidium virginicum</i> var. <i>robinsonii</i>	PDBRA1M114	None	None	G5T3	S3	4.3
salt spring checkerbloom <i>Sidalcea neomexicana</i>	PDMAL110J0	None	None	G4	S2	2B.2
San Bernardino aster <i>Symphyotrichum defoliatum</i>	PDASTE80C0	None	None	G2	S2	1B.2
San Diego desert woodrat <i>Neotoma lepida intermedia</i>	AMAFF08041	None	None	G5T3T4	S3S4	SSC
San Diego fairy shrimp <i>Branchinecta sandiegonensis</i>	ICBRA03060	Endangered	None	G2	S2	
San Miguel savory <i>Clinopodium chandleri</i>	PDLAM08030	None	None	G3	S2	1B.2
Santa Ana speckled dace <i>Rhinichthys osculus</i> ssp. 3	AFCJB3705K	None	None	G5T1	S1	SSC
Santiago Peak phacelia <i>Phacelia keckii</i>	PDHYD0C4G1	None	None	G1	S1	1B.3
south coast saltscale <i>Atriplex pacifica</i>	PDCHE041C0	None	None	G4	S2	1B.2
southern California rufous-crowned sparrow <i>Aimophila ruficeps canescens</i>	ABPBX91091	None	None	G5T3	S3	WL
southern California saltmarsh shrew <i>Sorex ornatus salicornicus</i>	AMABA01104	None	None	G5T1?	S1	SSC



Selected Elements by Common Name

California Department of Fish and Wildlife

California Natural Diversity Database



Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
Southern Coast Live Oak Riparian Forest <i>Southern Coast Live Oak Riparian Forest</i>	CTT61310CA	None	None	G4	S4	
Southern Coastal Salt Marsh <i>Southern Coastal Salt Marsh</i>	CTT52120CA	None	None	G2	S2.1	
Southern Cottonwood Willow Riparian Forest <i>Southern Cottonwood Willow Riparian Forest</i>	CTT61330CA	None	None	G3	S3.2	
Southern Dune Scrub <i>Southern Dune Scrub</i>	CTT21330CA	None	None	G1	S1.1	
Southern Foredunes <i>Southern Foredunes</i>	CTT21230CA	None	None	G2	S2.1	
southern grasshopper mouse <i>Onychomys torridus ramona</i>	AMAFF06022	None	None	G5T3	S3	SSC
Southern Mixed Riparian Forest <i>Southern Mixed Riparian Forest</i>	CTT61340CA	None	None	G2	S2.1	
Southern Riparian Scrub <i>Southern Riparian Scrub</i>	CTT63300CA	None	None	G3	S3.2	
Southern Sycamore Alder Riparian Woodland <i>Southern Sycamore Alder Riparian Woodland</i>	CTT62400CA	None	None	G4	S4	
southern tarplant <i>Centromadia parryi ssp. australis</i>	PDAST4R0P4	None	None	G3T2	S2	1B.1
southwestern willow flycatcher <i>Empidonax traillii extimus</i>	ABPAE33043	Endangered	Endangered	G5T2	S1	
steelhead - southern California DPS <i>Oncorhynchus mykiss irideus pop. 10</i>	AFCHA0209J	Endangered	None	G5T1Q	S1	
Stephens' kangaroo rat <i>Dipodomys stephensi</i>	AMAFD03100	Endangered	Threatened	G2	S2	
sticky dudleya <i>Dudleya viscida</i>	PDCRA040T0	None	None	G2	S2	1B.2
summer holly <i>Comarostaphylis diversifolia ssp. diversifolia</i>	PDERI0B011	None	None	G3T2	S2	1B.2
Tecate cypress <i>Hesperocyparis forbesii</i>	PGCUP040C0	None	None	G2	S2	1B.1
thread-leaved brodiaea <i>Brodiaea filifolia</i>	PMLIL0C050	Threatened	Endangered	G2	S2	1B.1
tidewater goby <i>Eucyclogobius newberryi</i>	AFCQN04010	Endangered	None	G3	S3	SSC
tricolored blackbird <i>Agelaius tricolor</i>	ABPBXB0020	None	Candidate Endangered	G2G3	S1S2	SSC
two-striped gartersnake <i>Thamnophis hammondi</i>	ARADB36160	None	None	G4	S3S4	SSC
Valley Needlegrass Grassland <i>Valley Needlegrass Grassland</i>	CTT42110CA	None	None	G3	S3.1	



Selected Elements by Common Name
California Department of Fish and Wildlife
California Natural Diversity Database



Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
western mastiff bat <i>Eumops perotis californicus</i>	AMACD02011	None	None	G5T4	S3S4	SSC
western pond turtle <i>Emys marmorata</i>	ARAAD02030	None	None	G3G4	S3	SSC
western red bat <i>Lasiurus blossevillii</i>	AMACC05060	None	None	G5	S3	SSC
western spadefoot <i>Spea hammondi</i>	AAABF02020	None	None	G3	S3	SSC
western yellow-billed cuckoo <i>Coccyzus americanus occidentalis</i>	ABNRB02022	Threatened	Endangered	G5T2T3	S1	
white rabbit-tobacco <i>Pseudognaphalium leucocephalum</i>	PDAST440C0	None	None	G4	S2	2B.2
white-tailed kite <i>Elanus leucurus</i>	ABNKC06010	None	None	G5	S3S4	FP
yellow rail <i>Coturnicops noveboracensis</i>	ABNME01010	None	None	G4	S1S2	SSC
yellow warbler <i>Setophaga petechia</i>	ABPBX03010	None	None	G5	S3S4	SSC
yellow-breasted chat <i>Icteria virens</i>	ABPBX24010	None	None	G5	S3	SSC
Yuma myotis <i>Myotis yumanensis</i>	AMACC01020	None	None	G5	S4	

Record Count: 114



Plant List

Inventory of Rare and Endangered Plants

63 matches found. [Click on scientific name for details](#)

Search Criteria

Found in Orange County, Found in Quads 3311767, 3311766, 3311765, 3311757, 3311756, 3311755 3311746 and 3311745;

[Modify Search Criteria](#) [Export to Excel](#) [Modify Columns](#) [Modify Sort](#) [Display Photos](#)

Scientific Name	Common Name	Family	Lifeform	Blooming Period	CA Rare Plant Rank	State Rank	Global Rank
Aphanisma blitoides	aphanisma	Chenopodiaceae	annual herb	Feb-Jun	1B.2	S2	G3G4
Asplenium vespertinum	western spleenwort	Aspleniaceae	perennial rhizomatous herb	Feb-Jun	4.2	S4	G4
Atriplex coulteri	Coulter's saltbush	Chenopodiaceae	perennial herb	Mar-Oct	1B.2	S1S2	G3
Atriplex pacifica	South Coast saltscale	Chenopodiaceae	annual herb	Mar-Oct	1B.2	S2	G4
Atriplex parishii	Parish's brittlescale	Chenopodiaceae	annual herb	Jun-Oct	1B.1	S1	G1G2
Atriplex serenana var. davidsonii	Davidson's saltscale	Chenopodiaceae	annual herb	Apr-Oct	1B.2	S1	G5T1
Brodiaea filifolia	thread-leaved brodiaea	Themidaceae	perennial bulbiferous herb	Mar-Jun	1B.1	S2	G2
Calochortus catalinae	Catalina mariposa lily	Liliaceae	perennial bulbiferous herb	(Feb)Mar-Jun	4.2	S3S4	G3G4
Calochortus weedii var. intermedius	intermediate mariposa lily	Liliaceae	perennial bulbiferous herb	May-Jul	1B.2	S2	G3G4T2
Camissoniopsis lewisii	Lewis' evening- primrose	Onagraceae	annual herb	Mar-May(Jun)	3	S4	G4
Centromadia parryi ssp. australis	southern tarplant	Asteraceae	annual herb	May-Nov	1B.1	S2	G3T2
Chaenactis glabriuscula var. orcuttiana	Orcutt's pincushion	Asteraceae	annual herb	Jan-Aug	1B.1	S1	G5T1T2
Chorizanthe polygonoides var. longispina	long-spined spineflower	Polygonaceae	annual herb	Apr-Jul	1B.2	S3	G5T3
Cistanthe maritima	seaside cistanthe	Montiaceae	annual herb	(Feb)Mar-Jun(Aug)	4.2	S3	G3G4
Clinopodium chandleri	San Miguel savory	Lamiaceae	perennial shrub	Mar-Jul	1B.2	S2	G2
Comarostaphylis diversifolia ssp. diversifolia	summer holly	Ericaceae	perennial evergreen shrub	Apr-Jun	1B.2	S2	G3T2

<u>Convolvulus simulans</u>	small-flowered morning-glory	Convolvulaceae	annual herb	Mar-Jul	4.2	S4	G4
<u>Deinandra paniculata</u>	paniculate tarplant	Asteraceae	annual herb	(Mar)Apr-Nov	4.2	S4	G4
<u>Dichondra occidentalis</u>	western dichondra	Convolvulaceae	perennial rhizomatous herb	(Jan)Mar-Jul	4.2	S3S4	G3G4
<u>Diplacus clevelandii</u>	Cleveland's bush monkeyflower	Phrymaceae	perennial rhizomatous herb	Apr-Jul	4.2	S4	G4
<u>Dudleya blochmaniae ssp. blochmaniae</u>	Blochman's dudleya	Crassulaceae	perennial herb	Apr-Jun	1B.1	S2	G3T2
<u>Dudleya cymosa ssp. ovatifolia</u>	Santa Monica dudleya	Crassulaceae	perennial herb	Mar-Jun	1B.1	S1	G5T1
<u>Dudleya multicaulis</u>	many-stemmed dudleya	Crassulaceae	perennial herb	Apr-Jul	1B.2	S2	G2
<u>Dudleya stolonifera</u>	Laguna Beach dudleya	Crassulaceae	perennial stoloniferous herb	May-Jul	1B.1	S1	G1
<u>Dudleya viscida</u>	sticky dudleya	Crassulaceae	perennial herb	May-Jun	1B.2	S2	G2
<u>Erythranthe diffusa</u>	Palomar monkeyflower	Phrymaceae	annual herb	Apr-Jun	4.3	S3	G4
<u>Euphorbia misera</u>	cliff spurge	Euphorbiaceae	perennial shrub	Dec-Aug(Oct)	2B.2	S2	G5
<u>Harpagonella palmeri</u>	Palmer's grapplinghook	Boraginaceae	annual herb	Mar-May	4.2	S3	G4
<u>Hesperocyparis forbesii</u>	Tecate cypress	Cupressaceae	perennial evergreen tree		1B.1	S2	G2
<u>Hordeum intercedens</u>	vernal barley	Poaceae	annual herb	Mar-Jun	3.2	S3S4	G3G4
<u>Horkelia cuneata var. puberula</u>	mesa horkelia	Rosaceae	perennial herb	Feb-Jul(Sep)	1B.1	S1	G4T1
<u>Imperata brevifolia</u>	California satintail	Poaceae	perennial rhizomatous herb	Sep-May	2B.1	S3	G4
<u>Isocoma menziesii var. decumbens</u>	decumbent goldenbush	Asteraceae	perennial shrub	Apr-Nov	1B.2	S2	G3G5T2T3
<u>Lasthenia glabrata ssp. coulteri</u>	Coulter's goldfields	Asteraceae	annual herb	Feb-Jun	1B.1	S2	G4T2
<u>Lepechinia cardiophylla</u>	heart-leaved pitcher sage	Lamiaceae	perennial shrub	Apr-Jul	1B.2	S2S3	G3
<u>Lepidium virginicum var. robinsonii</u>	Robinson's pepper-grass	Brassicaceae	annual herb	Jan-Jul	4.3	S3	G5T3
<u>Lycium brevipes var. hassei</u>	Santa Catalina Island desert-thorn	Solanaceae	perennial deciduous shrub	Jun(Aug)	3.1	S1	G5T1Q
<u>Lycium californicum</u>	California box-thorn	Solanaceae	perennial shrub	(Dec)Mar,Jun,Jul,Aug	4.2	S4	G4
<u>Malacothrix saxatilis var. saxatilis</u>	cliff malacothrix	Asteraceae	perennial rhizomatous herb	Mar-Sep	4.2	S4	G5T4
<u>Microseris douglasii ssp. platycarpha</u>	small-flowered microseris	Asteraceae	annual herb	Mar-May	4.2	S4	G4T4
<u>Monardella hypoleuca ssp. intermedia</u>	intermediate monardella	Lamiaceae	perennial rhizomatous	Apr-Sep	1B.3	S2?	G4T2?

			herb				
<u>Monardella hypoleuca ssp. lanata</u>	felt-leaved monardella	Lamiaceae	perennial rhizomatous herb	Jun-Aug	1B.2	S3	G4T3
<u>Monardella macrantha ssp. hallii</u>	Hall's monardella	Lamiaceae	perennial rhizomatous herb	Jun-Oct	1B.3	S3	G5T3
<u>Nama stenocarpa</u>	mud nama	Namaceae	annual / perennial herb	Jan-Jul	2B.2	S1S2	G4G5
<u>Nasturtium gambelii</u>	Gambel's water cress	Brassicaceae	perennial rhizomatous herb	Apr-Oct	1B.1	S1	G1
<u>Navarretia prostrata</u>	prostrate vernal pool navarretia	Polemoniaceae	annual herb	Apr-Jul	1B.1	S2	G2
<u>Nolina cismontana</u>	chaparral nolina	Ruscaceae	perennial evergreen shrub	(Mar)May-Jul	1B.2	S3	G3
<u>Pentachaeta aurea ssp. allenii</u>	Allen's pentachaeta	Asteraceae	annual herb	Mar-Jun	1B.1	S1	G4T1
<u>Phacelia keckii</u>	Santiago Peak phacelia	Hydrophyllaceae	annual herb	May-Jun	1B.3	S1	G1
<u>Phacelia ramosissima var. austrolitoralis</u>	south coast branching phacelia	Hydrophyllaceae	perennial herb	Mar-Aug	3.2	S3	G5?T3
<u>Piperia cooperi</u>	chaparral rein orchid	Orchidaceae	perennial herb	Mar-Jun	4.2	S3	G3
<u>Piperia leptopetala</u>	narrow-petaled rein orchid	Orchidaceae	perennial herb	May-Jul	4.3	S4	G4
<u>Polygala cornuta var. fishiae</u>	Fish's milkwort	Polygalaceae	perennial deciduous shrub	May-Aug	4.3	S4	G5T4
<u>Pseudognaphalium leucocephalum</u>	white rabbit-tobacco	Asteraceae	perennial herb	(Jul)Aug-Nov(Dec)	2B.2	S2	G4
<u>Quercus dumosa</u>	Nuttall's scrub oak	Fagaceae	perennial evergreen shrub	Feb-Apr(May-Aug)	1B.1	S3	G3
<u>Romneya coulteri</u>	Coulter's matilija poppy	Papaveraceae	perennial rhizomatous herb	Mar-Jul(Aug)	4.2	S4	G4
<u>Senecio aphanactis</u>	chaparral ragwort	Asteraceae	annual herb	Jan-Apr(May)	2B.2	S2	G3
<u>Sidalcea neomexicana</u>	salt spring checkerbloom	Malvaceae	perennial herb	Mar-Jun	2B.2	S2	G4
<u>Suaeda esteroa</u>	estuary seablite	Chenopodiaceae	perennial herb	(May)Jul-Oct(Jan)	1B.2	S2	G3
<u>Suaeda taxifolia</u>	woolly seablite	Chenopodiaceae	perennial evergreen shrub	Jan-Dec	4.2	S4	G
<u>Symphyotrichum defoliatum</u>	San Bernardino aster	Asteraceae	perennial rhizomatous herb	Jul-Nov	1B.2	S2	G2
<u>Tetracoccus dioicus</u>	Parry's tetracoccus	Picrodendraceae	perennial deciduous shrub	Apr-May	1B.2	S2	G3?
<u>Verbesina dissita</u>	big-leaved crownbeard	Asteraceae	perennial herb	(Mar)Apr-Jul	1B.1	S1	G1G2

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United States Department of the Interior

FISH AND WILDLIFE SERVICE

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In Reply Refer To:

February 13, 2018

Consultation Code: 08ECAR00-2017-SLI-1198

Event Code: 08ECAR00-2018-E-01199

Project Name: SR-133 Shoulder Widening and Drainage Improvement Project

Subject: Updated list of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, and proposed species, designated critical habitat, and candidate species that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (http://www.fws.gov/windenergy/eagle_guidance.html). Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
-

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Carlsbad Fish And Wildlife Office

2177 Salk Avenue - Suite 250

Carlsbad, CA 92008-7385

(760) 431-9440

Project Summary

Consultation Code: 08ECAR00-2017-SLI-1198

Event Code: 08ECAR00-2018-E-01199

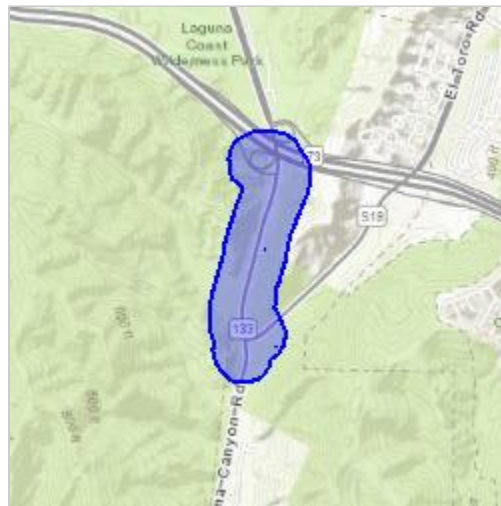
Project Name: SR-133 Shoulder Widening and Drainage Improvement Project

Project Type: TRANSPORTATION

Project Description: Caltrans in association with County of Orange and City of Laguna Beach proposes to facilitate greater roadway safety along State Route (SR) 133 by improving drainages, constructing bicycle lanes, and relocating overhead utilities to underground facilities on SR-133 between SR-73 interchange and El Toro Road. The project is located in the City of Laguna Beach and unincorporated part of the County.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/33.58697053264208N117.76089354583961W>



Counties: Orange, CA

Endangered Species Act Species

There is a total of 9 threatened, endangered, or candidate species on this species list. Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

Mammals

NAME	STATUS
Pacific Pocket Mouse <i>Perognathus longimembris pacificus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/8080	Endangered

Birds

NAME	STATUS
California Least Tern <i>Sterna antillarum browni</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/8104	Endangered
Coastal California Gnatcatcher <i>Polioptila californica californica</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/8178	Threatened
Least Bell's Vireo <i>Vireo bellii pusillus</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/5945	Endangered
Southwestern Willow Flycatcher <i>Empidonax traillii extimus</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/6749	Endangered
Western Snowy Plover <i>Charadrius alexandrinus nivosus</i> Population: Pacific Coast population DPS-U.S.A. (CA, OR, WA), Mexico (within 50 miles of Pacific coast) There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/8035	Threatened

Fishes

NAME	STATUS
Tidewater Goby <i>Eucyclogobius newberryi</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/57	Endangered

Flowering Plants

NAME	STATUS
Big-leaved Crownbeard <i>Verbesina dissita</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/8049	Threatened
Laguna Beach Liveforever <i>Dudleya stolonifera</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/7919	Threatened

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

Scientific Name	Common Name	CRPR	CESA	FESA
<i>Abronia maritima</i>	red sand-verbena	4.2	None	None
<i>Abronia villosa</i> var. <i>aurita</i>	chaparral sand-verbena	1B.1	None	None
<i>Aphanisma blitoides</i>	aphanisma	1B.2	None	None
<i>Atriplex coulteri</i>	Coulter's saltbush	1B.2	None	None
<i>Atriplex pacifica</i>	South Coast saltscale	1B.2	None	None
<i>Atriplex parishii</i>	Parish's brittlescale	1B.1	None	None
<i>Atriplex serenana</i> var. <i>davidsonii</i>	Davidson's saltscale	1B.2	None	None
<i>Brodiaea filifolia</i>	thread-leaved brodiaea	1B.1	CE	FT
<i>Calochortus catalinae</i>	Catalina mariposa lily	4.2	None	None
<i>Calochortus weedii</i> var. <i>intermedius</i>	intermediate mariposa lily	1B.2	None	None
<i>Camissoniopsis lewisii</i>	Lewis' evening-primrose	3	None	None
<i>Centromadia parryi</i> ssp. <i>australis</i>	southern tarplant	1B.1	None	None
<i>Chaenactis glabriuscula</i> var. <i>orcuttiana</i>	Orcutt's pincushion	1B.1	None	None
<i>Chloropyron maritimum</i> ssp. <i>maritimum</i>	salt marsh bird's-beak	1B.2	CE	FE
<i>Cistanthe maritima</i>	seaside cistanthe	4.2	None	None
<i>Comarostaphylis diversifolia</i> ssp. <i>diversifolia</i>	summer holly	1B.2	None	None
<i>Convolvulus simulans</i>	small-flowered morning-glory	4.2	None	None
<i>Deinandra paniculata</i>	paniculate tarplant	4.2	None	None
<i>Dichondra occidentalis</i>	western dichondra	4.2	None	None
<i>Dodecahema leptoceras</i>	slender-horned spineflower	1B.1	CE	FE
<i>Dudleya blochmaniae</i> ssp. <i>blochmaniae</i>	Blochman's dudleya	1B.1	None	None
<i>Dudleya multicaulis</i>	many-stemmed dudleya	1B.2	None	None
<i>Dudleya stolonifera</i>	Laguna Beach dudleya	1B.1	CT	FT
<i>Eryngium aristulatum</i> var. <i>parishii</i>	San Diego button-celery	1B.1	CE	FE
<i>Euphorbia misera</i>	cliff spurge	2B.2	None	None
<i>Harpagonella palmeri</i>	Palmer's grapplinghook	4.2	None	None
<i>Helianthus nuttallii</i> ssp. <i>parishii</i>	Los Angeles sunflower	1A	None	None
<i>Hesperocyparis forbesii</i>	Tecate cypress	1B.1	None	None
<i>Hordeum intercedens</i>	vernal barley	3.2	None	None
<i>Horkelia cuneata</i> var. <i>puberula</i>	mesa horkelia	1B.1	None	None
<i>Isocoma menziesii</i> var. <i>decumbens</i>	decumbent goldenbush	1B.2	None	None
<i>Juncus acutus</i> ssp. <i>leopoldii</i>	southwestern spiny rush	4.2	None	None
<i>Lasthenia glabrata</i> ssp. <i>coulteri</i>	Coulter's goldfields	1B.1	None	None
<i>Lepidium virginicum</i> var. <i>robinsonii</i>	Robinson's pepper-grass	4.3	None	None
<i>Lycium californicum</i>	California box-thorn	4.2	None	None
<i>Malacothrix saxatilis</i> var. <i>saxatilis</i>	cliff malacothrix	4.2	None	None
<i>Monardella hypoleuca</i> ssp. <i>intermedia</i>	intermediate monardella	1B.3	None	None
<i>Nama stenocarpa</i>	mud nama	2B.2	None	None
<i>Nasturtium gambelii</i>	Gambel's water cress	1B.1	CT	FE
<i>Navarretia prostrata</i>	prostrate vernal pool navarretia	1B.1	None	None
<i>Nemacaulis denudata</i> var. <i>denudata</i>	coast woolly-heads	1B.2	None	None
<i>Nolina cismontana</i>	chaparral nolina	1B.2	None	None
<i>Orcuttia californica</i>	California Orcutt grass	1B.1	CE	FE
<i>Pentachaeta aurea</i> ssp. <i>allenii</i>	Allen's pentachaeta	1B.1	None	None
<i>Phacelia ramosissima</i> var. <i>austrolitoralis</i>	south coast branching phacelia	3.2	None	None
<i>Pseudognaphalium leucocephalum</i>	white rabbit-tobacco	2B.2	None	None

Quercus dumosa	Nuttall's scrub oak	1B.1	None	None
Sagittaria sanfordii	Sanford's arrowhead	1B.2	None	None
Senecio aphanactis	chaparral ragwort	2B.2	None	None
Sidalcea neomexicana	salt spring checkerbloom	2B.2	None	None
Suaeda esteroa	estuary seablite	1B.2	None	None
Suaeda taxifolia	woolly seablite	4.2	None	None
Symphyotrichum defoliatum	San Bernardino aster	1B.2	None	None
Tetracoccus dioicus	Parry's tetracoccus	1B.2	None	None
Verbesina dissita	big-leaved crownbeard	1B.1	CT	FT

National Marine Fisheries Service Species List

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Laura Magee

From: Laura Magee
Sent: Tuesday, February 06, 2018 11:17 AM
To: 'nmfswcrca.specieslist@noaa.gov'
Subject: FHWA (Caltrans): SR-133 Widening and Drainage Improvement Project Official Species List Request

Good morning,

This email contains the search results generated from the NMFS Resources for the Laguna Beach, California 7.5-minute topographic quadrangle. This species list was generated for the SR-133 Widening and Drainage Improvement Project, which is proposed by Caltrans District 12 (EA: 0Q360).

Federal Agency:

Federal Highway Administration
California Division
650 Capitol Mall, Suite 4-100
Sacramento, CA 95814

State Agency:

Caltrans
District 12, Orange County
1750 E 4th St. #100
Santa Ana, CA 92705
Contact: Kedest Ketsela, Associate Environmental Planner
(657) 328-6166
Division of Environmental Analysis Specialist Branch

Laura Magee | Biologist
LSA | 20 Executive Park, Suite 200
Irvine, CA 92614

949-553-0666 Tel

[Website](#)

Quad Name **Laguna Beach**

Quad Number **33117-E7**

ESA Anadromous Fish

SONCC Coho ESU (T) -
CCC Coho ESU (E) -
CC Chinook Salmon ESU (T) -
CVSR Chinook Salmon ESU (T) -

SRWR Chinook Salmon ESU (E) -
 NC Steelhead DPS (T) -
 CCC Steelhead DPS (T) -
 SCCC Steelhead DPS (T) -
 SC Steelhead DPS (E) - **X**
 CCV Steelhead DPS (T) -
 Eulachon (T) -
 sDPS Green Sturgeon (T) - **X**

ESA Anadromous Fish Critical Habitat

SONCC Coho Critical Habitat -
 CCC Coho Critical Habitat -
 CC Chinook Salmon Critical Habitat -
 CVSR Chinook Salmon Critical Habitat -
 SRWR Chinook Salmon Critical Habitat -
 NC Steelhead Critical Habitat -
 CCC Steelhead Critical Habitat -
 SCCC Steelhead Critical Habitat -
 SC Steelhead Critical Habitat -
 CCV Steelhead Critical Habitat -
 Eulachon Critical Habitat -
 sDPS Green Sturgeon Critical Habitat -

ESA Marine Invertebrates

Range Black Abalone (E) - **X**
 Range White Abalone (E) - **X**

ESA Marine Invertebrates Critical Habitat

Black Abalone Critical Habitat -

ESA Sea Turtles

East Pacific Green Sea Turtle (T) - **X**
 Olive Ridley Sea Turtle (T/E) - **X**
 Leatherback Sea Turtle (E) - **X**
 North Pacific Loggerhead Sea Turtle (E) - **X**

ESA Whales

Blue Whale (E) - **X**

Fin Whale (E) -	X
Humpback Whale (E) -	X
Southern Resident Killer Whale (E) -	X
North Pacific Right Whale (E) -	X
Sei Whale (E) -	X
Sperm Whale (E) -	X

ESA Pinnipeds

Guadalupe Fur Seal (T) - X

Steller Sea Lion Critical Habitat -

Essential Fish Habitat

Coho EFH -

Chinook Salmon EFH -

Groundfish EFH - X

Coastal Pelagics EFH - X

Highly Migratory Species EFH - X

MMPA Species (See list at left)

ESA and MMPA Cetaceans/Pinnipeds

**See list at left and consult the NMFS Long Beach office
562-980-4000**

MMPA Cetaceans - X

MMPA Pinnipeds - X

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SR-133 OP940/U NMFS Species list obtained on 9/12/18

Quad Name **Laguna Beach**

Quad Number **33117-E7**

ESA Anadromous Fish

SONCC Coho ESU (T) -

CCC Coho ESU (E) -

CC Chinook Salmon ESU (T) -

CVSR Chinook Salmon ESU (T) -

SRWR Chinook Salmon ESU (E) -

NC Steelhead DPS (T) -

CCC Steelhead DPS (T) -

SCCC Steelhead DPS (T) -

SC Steelhead DPS (E) - **X**

CCV Steelhead DPS (T) -

Eulachon (T) -

sDPS Green Sturgeon (T) - **X**

ESA Anadromous Fish Critical Habitat

SONCC Coho Critical Habitat -

CCC Coho Critical Habitat -

CC Chinook Salmon Critical Habitat -

CVSR Chinook Salmon Critical Habitat -

SRWR Chinook Salmon Critical Habitat -

NC Steelhead Critical Habitat -

CCC Steelhead Critical Habitat -

SCCC Steelhead Critical Habitat -

SC Steelhead Critical Habitat -

CCV Steelhead Critical Habitat -

Eulachon Critical Habitat -

sDPS Green Sturgeon Critical Habitat -

ESA Marine Invertebrates

Range Black Abalone (E) - **X**

Range White Abalone (E) - **X**

ESA Marine Invertebrates Critical Habitat

Black Abalone Critical Habitat -

ESA Sea Turtles

East Pacific Green Sea Turtle (T) - **X**

Olive Ridley Sea Turtle (T/E) - **X**

Leatherback Sea Turtle (E) - **X**

North Pacific Loggerhead Sea Turtle (E) - **X**

ESA Whales

Blue Whale (E) - **X**

Fin Whale (E) - **X**

Humpback Whale (E) - **X**

Southern Resident Killer Whale (E) - **X**

North Pacific Right Whale (E) - **X**

Sei Whale (E) - **X**

Sperm Whale (E) - **X**

ESA Pinnipeds

Guadalupe Fur Seal (T) - **X**

Essential Fish Habitat

Coho EFH -

Chinook Salmon EFH -

Groundfish EFH - **X**

Coastal Pelagics EFH - **X**

Highly Migratory Species EFH - **X**

MMPA Species (See list at left)

ESA and MMPA Cetaceans/Pinnipeds

See list at left and consult Monica DeAngelis

monica.deangelis@noaa.gov

562-980-3232

MMPA Cetaceans - **X**

MMPA Pinnipeds - **X**

According to NMFS West Coast Region, Any item on the list that has an **X next to it indicates that species may be present within the quad. Therefore all technical studies are discuss only the species that has **X****

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Native American Heritage Commission and Native American Correspondence

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NATIVE AMERICAN HERITAGE COMMISSION

Environmental and Cultural Department
1550 Harbor Blvd., Suite 100
West Sacramento, CA 95691
(916) 373-3710



June 2, 2017

Cheryl Sinopoli
California Department of Transportation

Sent by E-mail: Cheryl.sinopoli@dot.ca.gov

RE: Proposed SR-133 Shoulder Widening & Drainage Improvement (EA 0Q3600; PM 3.1/ R4.3) Project, near the Community of Laguna Beach; Laguna Beach USGS Quadrangles, Orange County, California

Dear Ms. Sinopoli:

Attached is a consultation list of tribes with traditional lands or cultural places located within the boundaries of the above referenced counties. Please note that the intent of the reference codes below is to avoid or mitigate impacts to tribal cultural resources, as defined, for California Environmental Quality Act (CEQA) projects under AB-52.

As of July 1, 2015, Public Resources Code Sections 21080.3.1 and 21080.3.2 **require public agencies** to consult with California Native American tribes identified by the Native American Heritage Commission (NAHC) for the purpose mitigating impacts to tribal cultural resources:

Within 14 days of determining that an application for a project is complete or a decision by a public agency to undertake a project, the lead agency shall provide formal notification to the designated contact of, or a tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, which shall be accomplished by means of at least one written notification that includes a brief description of the proposed project and its location, the lead agency contact information, and a notification that the California Native American tribe has 30 days to request consultation pursuant to this section. (Public Resources Code Section 21080.3.1(d))

The law does not preclude agencies from initiating consultation with the tribes that are culturally and traditionally affiliated with their jurisdictions. The NAHC believes that in fact that this is the best practice to ensure that tribes are consulted commensurate with the intent of the law.

In accordance with Public Resources Code Section 21080.3.1(d), formal notification must include a brief description of the proposed project and its location, the lead agency contact information, and a notification that the California Native American tribe has 30 days to request consultation. The NAHC believes that agencies should also include with their notification letters information regarding any cultural resources assessment that has been completed on the APE, such as:

1. The results of any record search that may have been conducted at an Information Center of the California Historical Resources Information System (CHRIS), including, but not limited to:
 - A listing of any and all known cultural resources have already been recorded on or adjacent to the APE;
 - Copies of any and all cultural resource records and study reports that may have been provided by the Information Center as part of the records search response;
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
 - Whether the records search indicates a low, moderate or high probability that unrecorded cultural resources are located in the potential APE; and
 - If a survey is recommended by the Information Center to determine whether previously unrecorded cultural resources are present.

2. The results of any archaeological inventory survey that was conducted, including:

- Any report that may contain site forms, site significance, and suggested mitigation measures.

All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure in accordance with Government Code Section 6254.10.

3. The results of any Sacred Lands File (SFL) check conducted through Native American Heritage Commission. A search of the SFL was completed for the project with negative results however the area is sensitive for potential tribal cultural resources.
4. Any ethnographic studies conducted for any area including all or part of the potential APE; and
5. Any geotechnical reports regarding all or part of the potential APE.

Lead agencies should be aware that records maintained by the NAHC and CHRIS is not exhaustive, and a negative response to these searches does not preclude the existence of a cultural place. A tribe may be the only source of information regarding the existence of a tribal cultural resource.

This information will aid tribes in determining whether to request formal consultation. In the case that they do, having the information beforehand will help to facilitate the consultation process.

If you receive notification of change of addresses and phone numbers from tribes, please notify me. With your assistance we are able to assure that our consultation list contains current information.

If you have any questions, please contact me at my email address: gayle.totton@nahc.ca.gov.

Sincerely,



Gayle Totton, M.A., PhD.
Associate Governmental Program Analyst

Native American Heritage Commission
Tribal Consultation List
Orange County
6/2/2017

**Gabrieleno Band of Mission
Indians - Kizh Nation**

Andrew Salas, Chairperson
P.O. Box 393
Covina, CA, 91723
Phone: (626) 926 - 4131
gabrielenoindians@yahoo.com
Gabrieleno

**Gabrieleno/Tongva San Gabriel
Band of Mission Indians**

Anthony Morales, Chairperson
P.O. Box 693
San Gabriel, CA, 91778
Phone: (626) 483 - 3564
Fax: (626) 286-1262
GTTribalcouncil@aol.com
Gabrieleno

Gabrielino /Tongva Nation

Sandonne Goad, Chairperson
106 1/2 Judge John Aiso St.,
#231
Los Angeles, CA, 90012
Phone: (951) 807-0479
sgoad@gabrielino-tongva.com
Gabrielino

**Gabrielino Tongva Indians of
California Tribal Council**

Robert Dorame, Chairperson
P.O. Box 490
Bellflower, CA, 90707
Phone: (562) 761 - 6417
Fax: (562) 761-6417
gtongva@gmail.com
Gabrielino

Gabrielino-Tongva Tribe

Linda Candelaria, Co-Chairperson
23453 Vanowen Street
West Hills, CA, 91307
Phone: (626) 676 - 1184
palmsprings9@yahoo.com
Gabrielino

**Juaneno Band of Mission
Indians**

Sonia Johnston, Chairperson
P.O. Box 25628
Santa Ana, CA, 92799
sonia.johnston@sbcglobal.net
Juaneno

**Juaneno Band of Mission
Indians Acjachemen Nation -
Belardes**

Matias Belardes, Chairperson
32161 Avenida Los Amigos
San Juan Capistrano, CA, 92675
Phone: (949) 293-8522
Juaneno

**Juaneno Band of Mission
Indians Acjachemen Nation -
Romero**

Teresa Romero, Chairperson
31411-A La Matanza Street
San Juan Capistrano, CA, 92675
Phone: (949) 488-3484
Fax: (949) 488-3294
tromero@juaneno.com
Juaneno

This list is current only as of the date of this document. Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 6097.98 of the Public Resources Code and section 5097.98 of the Public Resources Code.

This list is only applicable for consultation with Native American tribes under Public Resources Code Sections 21080.3.1 for the proposed SR-133 Shoulder Widening & Drainage Improvement (EA 003600; PM 3.1/ R4.3) Project, Orange County.

**DEPARTMENT OF TRANSPORTATION**

District 12
1750 E. Fourth St., Suite 100
Santa Ana, CA 92705
(657) 328-6139

July 31, 2017

Anthony Morales, Chairperson
Gabrieleno/Tongva San Gabriel Band of Mission Indians
P.O. Box 693
San Gabriel, CA 91778

Re: Native American consultation and Invitation to Consult under Public Resources Code (PRC) 21080.3.1 and Chapter 532 Statutes of 2014 (i.e., AB 52) for the SR-133 (Laguna Canyon Road) Shoulder Widening & Drainage Improvement Project (EA oQ3600; PM 3.1/R4.3), in Orange County, California

Dear Chairperson Morales:

Please consider this letter and preliminary project information as the initiation of Section 106 consultation pursuant to the National Historic Preservation Act and formal notification of a proposed project as required under the California Environmental Quality Act, specifically Public Resources Code 21080.3.1 and Chapter 532 Statutes of 2014 (i.e., AB 52). Please respond within 30 days, pursuant to PRC 21080.3.1(d) if you would like to consult on this project. Please provide a designated lead contact person if you haven't provided that information to us already.

Project Description

The California Department of Transportation (District 12), in cooperation with the County of Orange and City of Laguna Beach, proposes a safety project to widen shoulders, improve drainage, and underground existing overhead utilities along a section of SR-133 (Laguna Canyon Road), within the vicinity of Laguna Beach. The project limits start just south of the El Toro Rd. intersection to just north of the SR-73/133 interchange. Ground disturbance depths will reach 1.55' for pavement construction. Additionally, maximum disturbance dimensions for the following activities are proposed: Utility conduit trenching (width 2' and depth 4'), Drainage activities include construction of 5'x3' reinforced concrete boxes (length 10', width 10', and depth 3'), 5'x3' Channel Concrete Lining (length 1900', width 10' and depth 3'), Concrete Dam (length 200', width 22', and depth 3'), Midwest Guardrail System (poles 6" wide by 12" deep), and Utility conduit vaults between (4'-13' wide, 6'-23' long, and 4'-12' deep).

Record Search Results

A record search conducted for the project resulted in one archaeological site (P-30-000315/CA-ORA-315) previously recorded within the APE. It was originally recorded in 1966 as a "boulder with deep mortar hole, small caves near site." No other resources were found. But a survey report from 1976 questioned the accuracy of the 1960s designation of the area as a site. According to the 1976 survey report, a shelter was discovered between a large boulder and a fractured spall of the boulder and the mortar may have actually been "a solution hole etched by plant acids." In 1996, the site location was re-surveyed for a potential widening project along SR-133 and no evidence of the site was found. Within a one-mile radius of the APE, an additional 36 cultural resources have been recorded.

NAHC Results

A search of the NAHC Sacred Lands Files (SLF) were negative for the project, however, the area is sensitive for potential tribal cultural resources.

We are contacting you at this time for information regarding cultural resources within the proposed project area because you are included on the latest contact list provided by the NAHC. The project area is located on the attached USGS map and aerial image.

If you have any questions or comments regarding the proposed project, please feel free to contact me at (657) 328-6139 or Cheryl Sinopoli, District 12 Archaeologist at the following [(657) 328-6165 or Cheryl.Sinopoli@dot.ca.gov]:

Caltrans District 12
Environmental Analysis
ATTN: Cheryl Sinopoli
1750 E. Fourth St., Suite 100
Santa Ana, CA 92705

Sincerely,

A handwritten signature in blue ink, appearing to read 'C Baker', is positioned above the printed name.

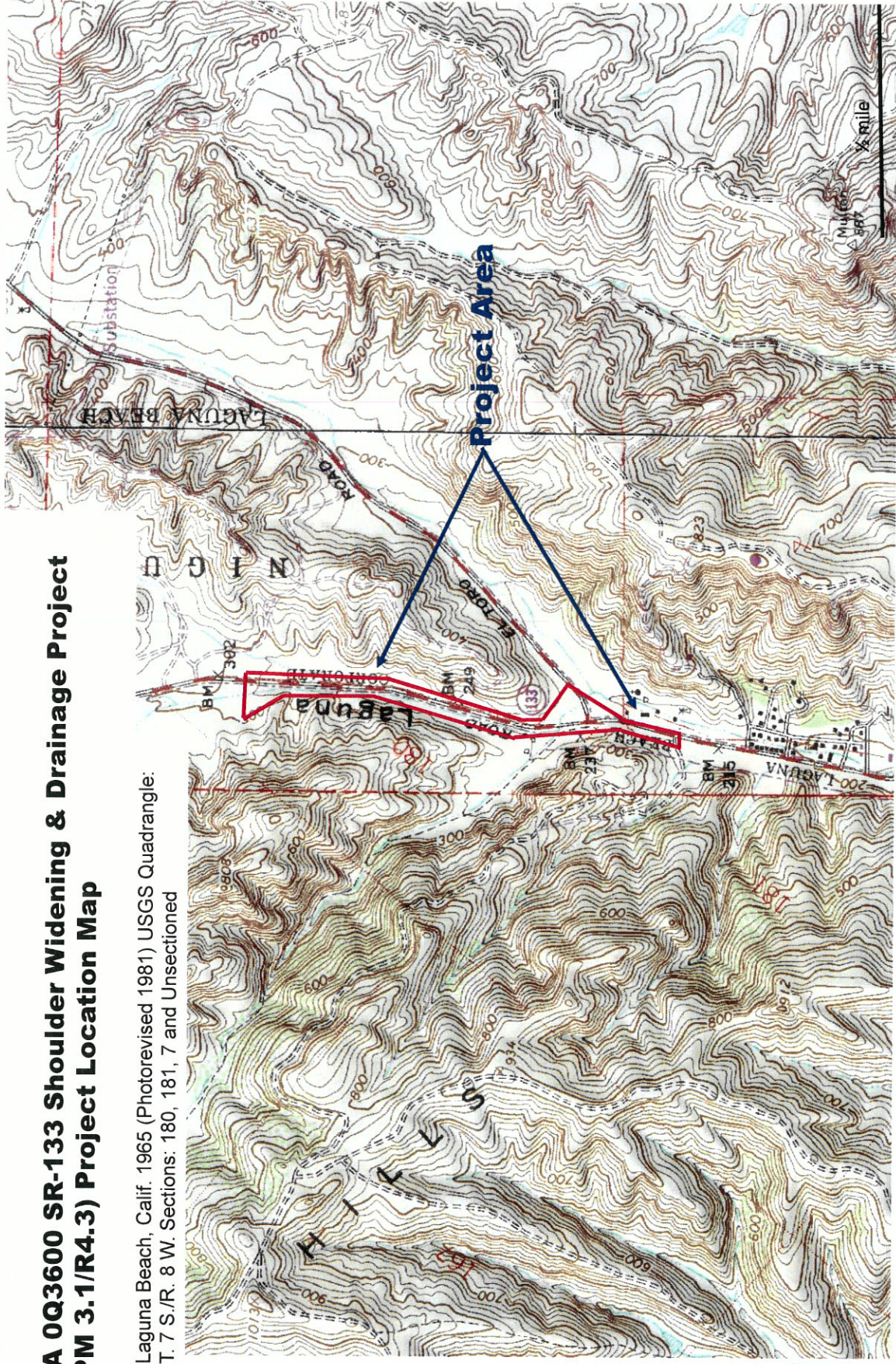
Charles Baker, Environmental Branch Chief

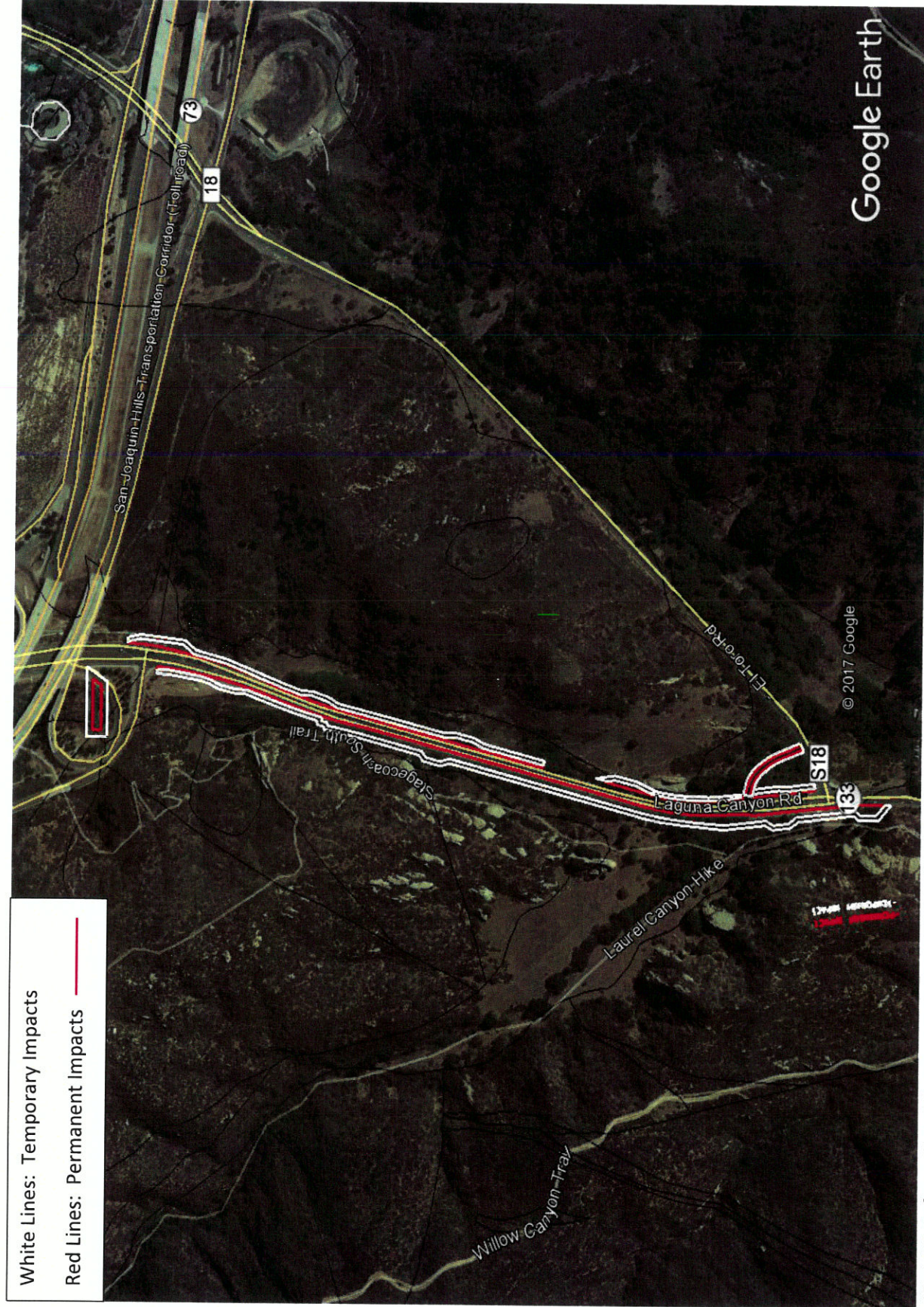
Enclosures (Figures 1 & 2)

Cc: Cheryl Sinopoli

EA 0Q3600 SR-133 Shoulder Widening & Drainage Project (PM 3.1/R4.3) Project Location Map

Laguna Beach, Calif. 1965 (Photorevised 1981) USGS Quadrangle:
T. 7 S./R. 8 W. Sections: 180, 181, 7 and Unsectioned





SR-133 Safety Shoulder Widening & Drainage Project EA 003600 (Postmiles 3.1/R4.3) in Orange County (Caltrans D-12)

Kerrie Collison

From: Kerrie Collison
Sent: Friday, September 22, 2017 1:23 PM
To: Robert Dorame (gtongva@gmail.com)
Cc: Cheryl Sinopoli
Subject: Following up on our phone call - Laguna Canyon Road project
Attachments: 2017 07-31 Letter to Mr Dorame.pdf

Good afternoon, Chairperson Dorame. I wanted to follow up on our recent phone call regarding the Caltrans SR-133 (Laguna Canyon Road) Shoulder Widening and Drainage Improvement Project (Caltrans EA 0Q3600). Thank you for taking the time to discuss the project with me just a few minutes ago.

As you requested, I have attached a PDF of the letter that was sent by Caltrans dated July 31, 2017. The content of the letter includes a brief project description, the records search results, and the results of the Sacred Lands File search. Attached with the letter is a project map. The entire project area has been surveyed for cultural resources, with negative findings.

If you have any questions or comments regarding this project, please do not hesitate to reach out to me or Cheryl Sinopoli (who is copied on this email). Cheryl is the Caltrans archaeologist working on this project. Her contact information is also included in the attached letter.

Thank you again for taking the time to provide input on this project. Have a wonderful weekend!

Kerrie Collison, RPA 28731436 | Cultural Resources Analyst
[LSA](#) | 20 Executive Park, Suite 200
Irvine, CA 92614

949-553-0666 ext. 312 Tel

949-413-2134 Mobile

[Website](#)

DEPARTMENT OF TRANSPORTATION

District 12
1750 E. Fourth St., Suite 100
Santa Ana, CA 92705
(657) 328-6139



July 31, 2017

Robert Dorame, Chairperson
Gabrielino Tongva Indians of California Tribal Council
P.O. Box 490
Bellflower, CA 90707

Re: Native American consultation and Invitation to Consult under Public Resources Code (PRC) 21080.3.1 and Chapter 532 Statutes of 2014 (i.e., AB 52) for the SR-133 (Laguna Canyon Road) Shoulder Widening & Drainage Improvement Project (EA 0Q3600; PM 3.1/R4.3), in Orange County, California

Dear Chairperson Dorame:

Please consider this letter and preliminary project information as the initiation of Section 106 consultation pursuant to the National Historic Preservation Act and formal notification of a proposed project as required under the California Environmental Quality Act, specifically Public Resources Code 21080.3.1 and Chapter 532 Statutes of 2014 (i.e., AB 52). Please respond within 30 days, pursuant to PRC 21080.3.1(d) if you would like to consult on this project. Please provide a designated lead contact person if you haven't provided that information to us already.

Project Description

The California Department of Transportation (District 12), in cooperation with the County of Orange and City of Laguna Beach, proposes a safety project to widen shoulders, improve drainage, and underground existing overhead utilities along a section of SR-133 (Laguna Canyon Road), within the vicinity of Laguna Beach. The project limits start just south of the El Toro Rd. intersection to just north of the SR-73/133 interchange. Ground disturbance depths will reach 1.55' for pavement construction. Additionally, maximum disturbance dimensions for the following activities are proposed: Utility conduit trenching (width 2' and depth 4'), Drainage activities include construction of 5'x3' reinforced concrete boxes (length 10', width 10', and depth 3'), 5'x3' Channel Concrete Lining (length 1900', width 10' and depth 3'), Concrete Dam (length 200', width 22', and depth 3'), Midwest Guardrail System (poles 6" wide by 12" deep), and Utility conduit vaults between (4'-13' wide, 6'-23' long, and 4'-12' deep).

Record Search Results

A record search conducted for the project resulted in one archaeological site (P-30-000315/CA-ORA-315) previously recorded within the APE. It was originally recorded in 1966 as a "boulder with deep mortar hole, small caves near site." No other resources were found. But a survey report from 1976 questioned the accuracy of the 1960s designation of the area as a site. According to the 1976 survey report, a shelter was discovered between a large boulder and a fractured spall of the boulder and the mortar may have actually been "a solution hole etched by plant acids." In 1996, the site location was re-surveyed for a potential widening project along SR-133 and no evidence of the site was found. Within a one-mile radius of the APE, an additional 36 cultural resources have been recorded.

NAHC Results

A search of the NAHC Sacred Lands Files (SLF) were negative for the project, however, the area is sensitive for potential tribal cultural resources.

We are contacting you at this time for information regarding cultural resources within the proposed project area because you are included on the latest contact list provided by the NAHC. The project area is located on the attached USGS map and aerial image.

If you have any questions or comments regarding the proposed project, please feel free to contact me at (657) 328-6139 or Cheryl Sinopoli, District 12 Archaeologist at the following [(657) 328-6165 or Cheryl.Sinopoli@dot.ca.gov]:

Caltrans District 12
Environmental Analysis
ATTN: Cheryl Sinopoli
1750 E. Fourth St., Suite 100
Santa Ana, CA 92705

Sincerely,

A handwritten signature in blue ink, appearing to read 'C Baker', is written over the 'Sincerely,' text.

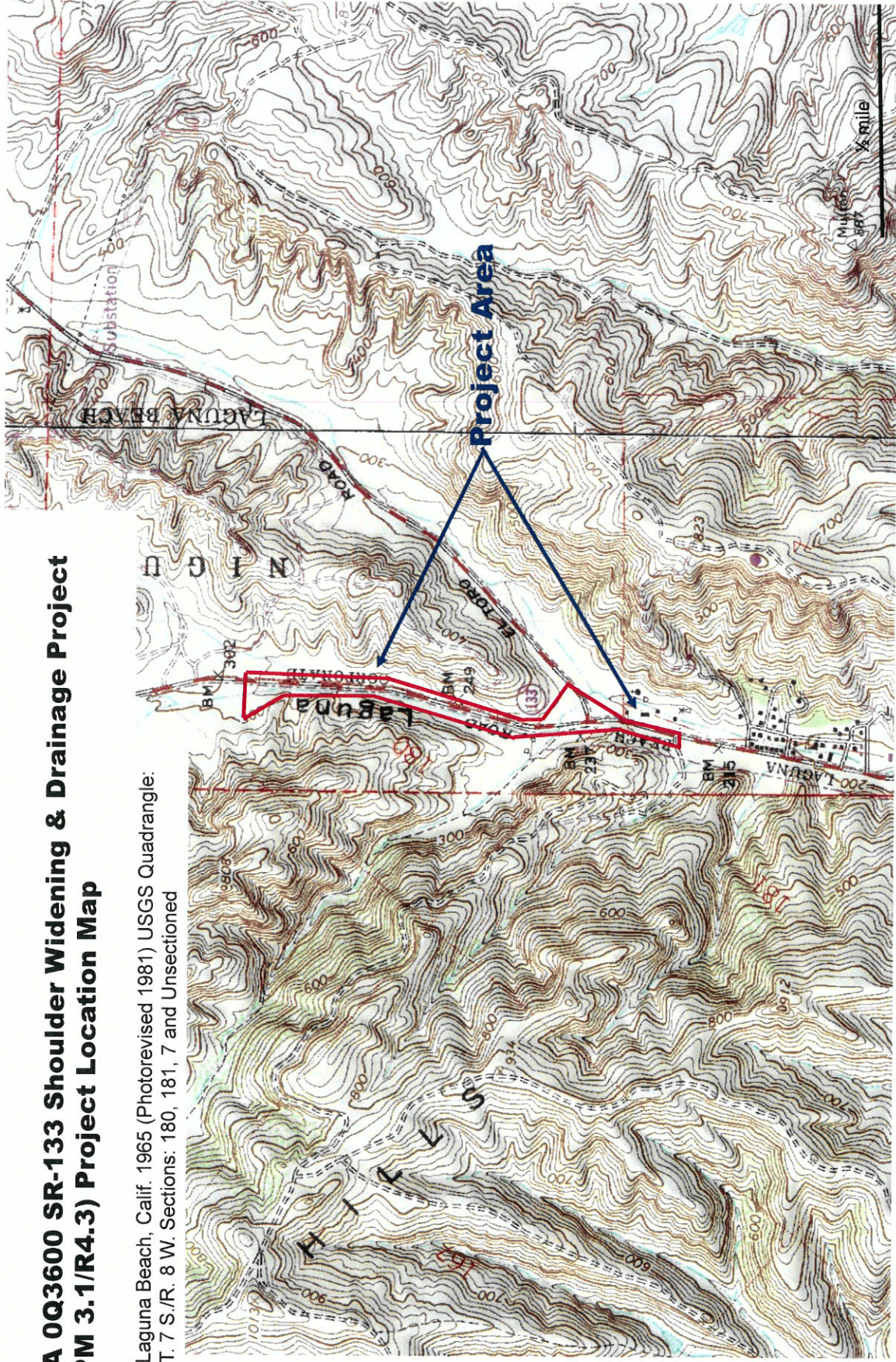
Charles Baker, Environmental Branch Chief

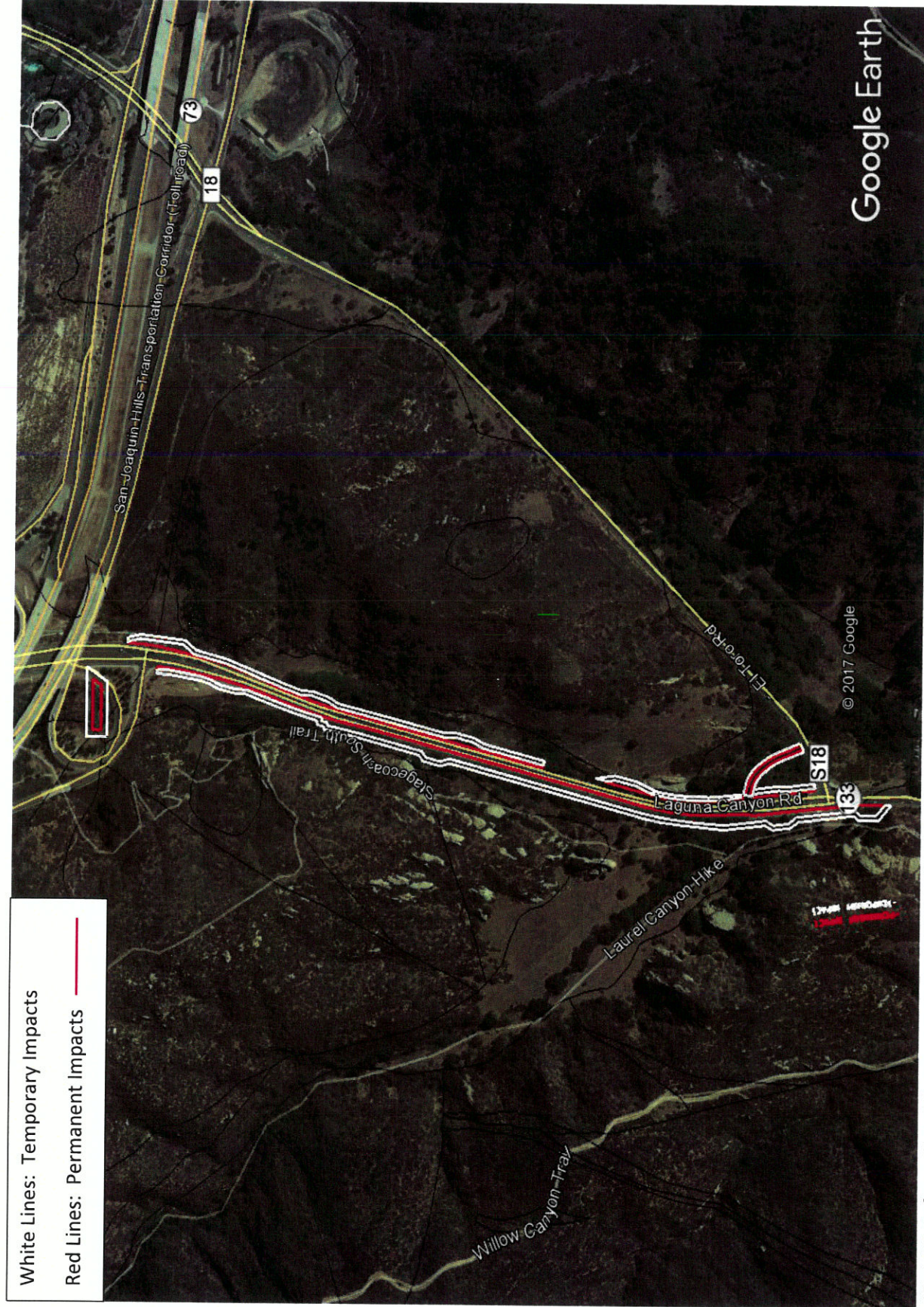
Enclosures (Figures 1 & 2)

Cc: Cheryl Sinopoli

EA 0Q3600 SR-133 Shoulder Widening & Drainage Project (PM 3.1/R4.3) Project Location Map

Laguna Beach, Calif. 1965 (Photorevised 1981) USGS Quadrangle:
T. 7 S./R. 8 W. Sections: 180, 181, 7 and Unsectioned





SR-133 Safety Shoulder Widening & Drainage Project EA 003600 (Postmiles 3.1/R4.3) in Orange County (Caltrans D-12)

Kerrie Collison

From: Kerrie Collison
Sent: Tuesday, September 19, 2017 9:51 AM
To: Sonia.Johnston@sbcglobal.net
Subject: Following up on invitation to consult
Attachments: Sonia Johnston letter.pdf

Good morning, Chairperson Johnston. I wanted to follow up with you on behalf of Caltrans to make sure that you received the invitation to consult for the Laguna Canyon Road Shoulder Widening & Drainage Improvement Project. I have attached the initial letter to this email for your reference.

If you have any questions or comments about the project, please feel free to email me back or call me at 949-553-0666, or contact Caltrans (contact information is provided in the attached letter). Thank you for input on this project. Have a great day!

Best,
Kerrie Collison

Kerrie Collison, RPA 28731436 | Cultural Resources Analyst
[LSA](#) | 20 Executive Park, Suite 200
Irvine, CA 92614

949-553-0666 ext. 312 Tel
949-413-2134 Mobile
[Website](#)

DEPARTMENT OF TRANSPORTATION

District 12
1750 E. Fourth St., Suite 100
Santa Ana, CA 92705
(657) 328-6139



July 31, 2017

Sonia Johnston, Chairperson
Juaneno Band of Mission Indians
P.O. Box 25628
Santa Ana, CA 92799

Re: Native American consultation and Invitation to Consult under Public Resources Code (PRC) 21080.3.1 and Chapter 532 Statutes of 2014 (i.e., AB 52) for the SR-133 (Laguna Canyon Road) Shoulder Widening & Drainage Improvement Project (EA oQ3600; PM 3.1/R4.3), in Orange County, California

Dear Chairperson Johnston:

Please consider this letter and preliminary project information as the initiation of Section 106 consultation pursuant to the National Historic Preservation Act and formal notification of a proposed project as required under the California Environmental Quality Act, specifically Public Resources Code 21080.3.1 and Chapter 532 Statutes of 2014 (i.e., AB 52). Please respond within 30 days, pursuant to PRC 21080.3.1(d) if you would like to consult on this project. Please provide a designated lead contact person if you haven't provided that information to us already.

Project Description

The California Department of Transportation (District 12), in cooperation with the County of Orange and City of Laguna Beach, proposes a safety project to widen shoulders, improve drainage, and underground existing overhead utilities along a section of SR-133 (Laguna Canyon Road), within the vicinity of Laguna Beach. The project limits start just south of the El Toro Rd. intersection to just north of the SR-73/133 interchange. Ground disturbance depths will reach 1.55' for pavement construction. Additionally, maximum disturbance dimensions for the following activities are proposed: Utility conduit trenching (width 2' and depth 4'), Drainage activities include construction of 5'x3' reinforced concrete boxes (length 10', width 10', and depth 3'), 5'x3' Channel Concrete Lining (length 1900', width 10' and depth 3'), Concrete Dam (length 200', width 22', and depth 3'), Midwest Guardrail System (poles 6" wide by 12" deep), and Utility conduit vaults between (4'-13' wide, 6'-23' long, and 4'-12' deep).

Record Search Results

A record search conducted for the project resulted in one archaeological site (P-30-000315/CA-ORA-315) previously recorded within the APE. It was originally recorded in 1966 as a "boulder with deep mortar hole, small caves near site." No other resources were found. But a survey report from 1976 questioned the accuracy of the 1960s designation of the area as a site. According to the 1976 survey report, a shelter was discovered between a large boulder and a fractured spall of the boulder and the mortar may have actually been "a solution hole etched by plant acids." In 1996, the site location was re-surveyed for a potential widening project along SR-133 and no evidence of the site was found. Within a one-mile radius of the APE, an additional 36 cultural resources have been recorded.

NAHC Results

A search of the NAHC Sacred Lands Files (SLF) were negative for the project, however, the area is sensitive for potential tribal cultural resources.

We are contacting you at this time for information regarding cultural resources within the proposed project area because you are included on the latest contact list provided by the NAHC. The project area is located on the attached USGS map and aerial image.

If you have any questions or comments regarding the proposed project, please feel free to contact me at (657) 328-6139 or Cheryl Sinopoli, District 12 Archaeologist at the following [(657) 328-6165 or Cheryl.Sinopoli@dot.ca.gov]:

Caltrans District 12
Environmental Analysis
ATTN: Cheryl Sinopoli
1750 E. Fourth St., Suite 100
Santa Ana, CA 92705

Sincerely,

A handwritten signature in blue ink, appearing to read 'C. Baker', is positioned below the word 'Sincerely,'.

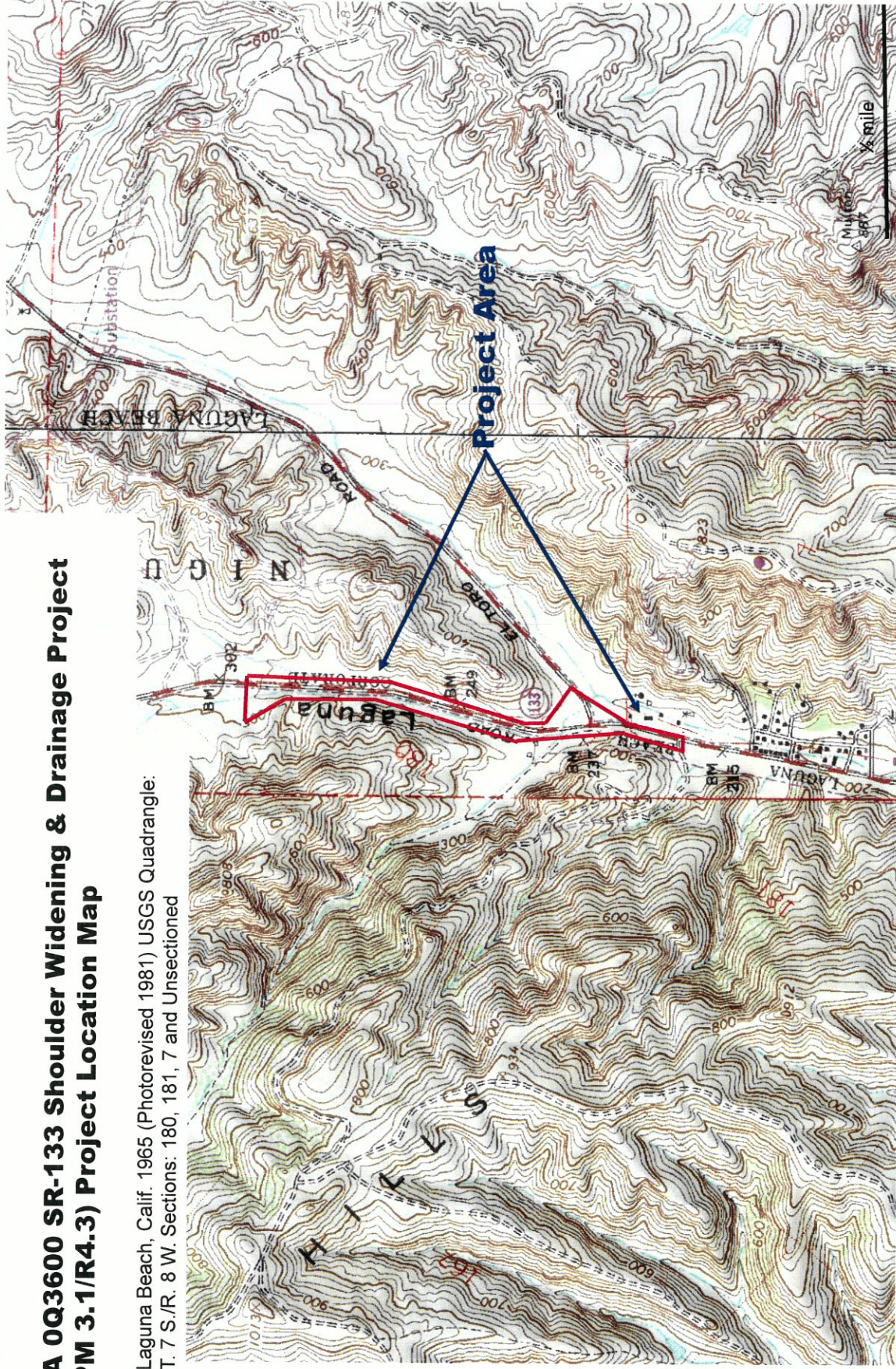
Charles Baker, Environmental Branch Chief

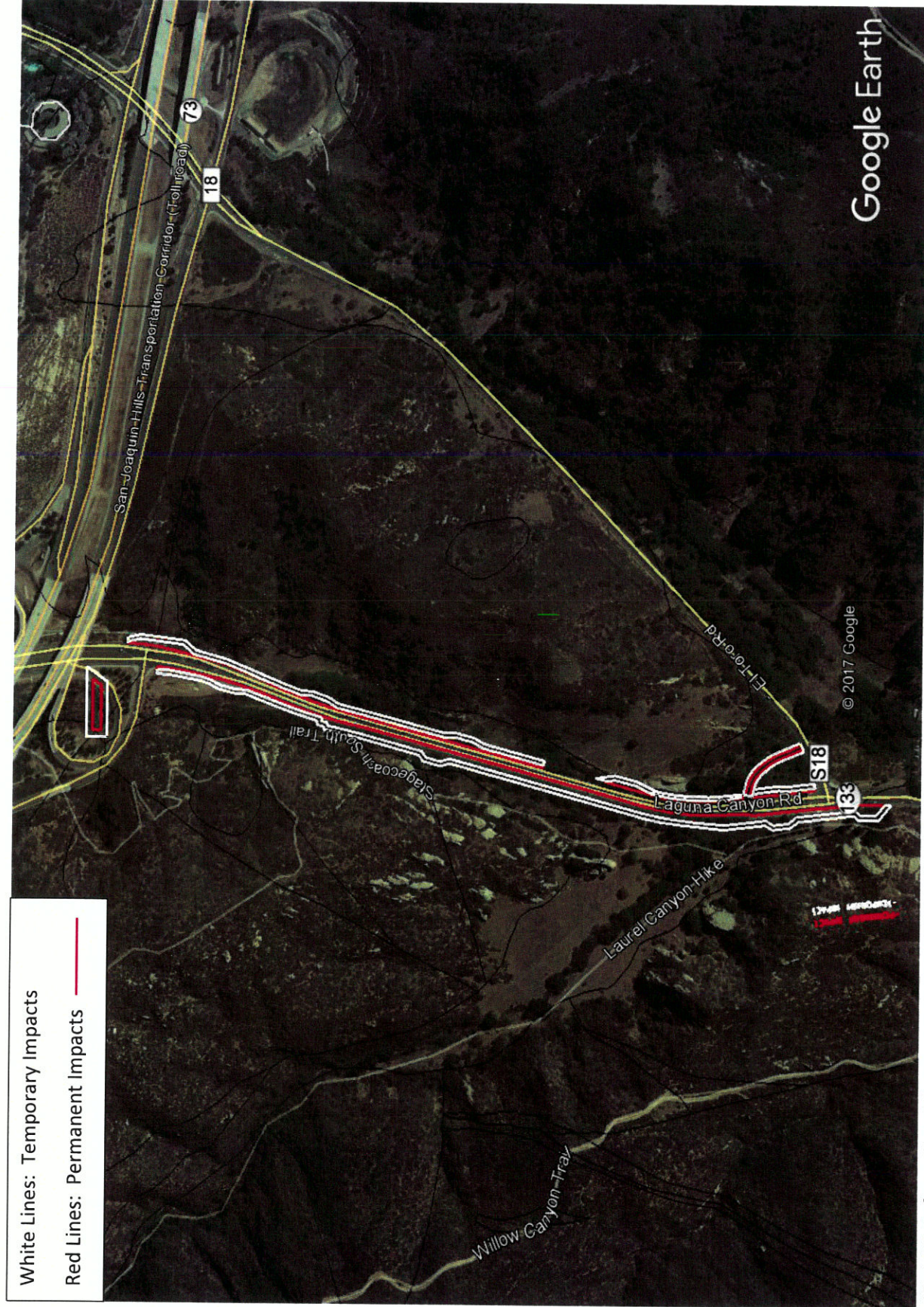
Enclosures (Figures 1 & 2)

Cc: Cheryl Sinopoli

EA 0Q3600 SR-133 Shoulder Widening & Drainage Project (PM 3.1/R4.3) Project Location Map

Laguna Beach, Calif. 1965 (Photorevised 1981) USGS Quadrangle:
T. 7 S./R. 8 W. Sections: 180, 181, 7 and Unsectioned





White Lines: Temporary Impacts

Red Lines: Permanent Impacts

SR-133 Safety Shoulder Widening & Drainage Project EA 003600 (Postmiles 3.1/R4.3) in Orange County (Caltrans D-12)

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NATIVE AMERICAN HERITAGE COMMISSION

1550 Harbor Blvd., Suite 100
West Sacramento, CA 95691
(916) 373-3710
(916) 373-5471 FAX



October 7, 2016

Cheryl Sinopoli, District 12 Archaeologist
California Department of Transportation

Sent by E-mail: Cheryl.sinopoli@dot.ca.gov

RE: Proposed SR-133 (Laguna Canyon Road) Safety Project (EA 0N0600; PM 3.1/3.6) Project, near the Laguna Coast Wilderness Park; Laguna Beach USGS Quadrangle, Orange County, California

Dear Ms. Sinopoli:

Attached is a consultation list of tribes with traditional lands or cultural places located within the boundaries of the above referenced counties. Please note that the intent of the reference codes below is to avoid or mitigate impacts to tribal cultural resources, as defined, for California Environmental Quality Act (CEQA) projects under AB-52.

As of July 1, 2015, Public Resources Code Sections 21080.3.1 and 21080.3.2 **require public agencies** to consult with California Native American tribes identified by the Native American Heritage Commission (NAHC) for the purpose mitigating impacts to tribal cultural resources:

Within 14 days of determining that an application for a project is complete or a decision by a public agency to undertake a project, the lead agency shall provide formal notification to the designated contact of, or a tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, which shall be accomplished by means of at least one written notification that includes a brief description of the proposed project and its location, the lead agency contact information, and a notification that the California Native American tribe has 30 days to request consultation pursuant to this section. (Public Resources Code Section 21080.3.1(d))

The law does not preclude agencies from initiating consultation with the tribes that are culturally and traditionally affiliated with their jurisdictions. The NAHC believes that in fact that this is the best practice to ensure that tribes are consulted commensurate with the intent of the law.

In accordance with Public Resources Code Section 21080.3.1(d), formal notification must include a brief description of the proposed project and its location, the lead agency contact information, and a notification that the California Native American tribe has 30 days to request consultation. The NAHC believes that agencies should also include with their notification letters information regarding any cultural resources assessment that has been completed on the APE, such as:

1. The results of any record search that may have been conducted at an Information Center of the California Historical Resources Information System (CHRIS), including, but not limited to:
 - A listing of any and all known cultural resources have already been recorded on or adjacent to the APE;
 - Copies of any and all cultural resource records and study reports that may have been provided by the Information Center as part of the records search response;
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
 - Whether the records search indicates a low, moderate or high probability that unrecorded cultural resources are located in the potential APE; and
 - If a survey is recommended by the Information Center to determine whether previously unrecorded cultural resources are present.

2. The results of any archaeological inventory survey that was conducted, including:

- Any report that may contain site forms, site significance, and suggested mitigation measures.

All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure in accordance with Government Code Section 6254.10.

3. The results of any Sacred Lands File (SFL) check conducted through Native American Heritage Commission. A search of the SFL was completed for the project with negative results.
4. Any ethnographic studies conducted for any area including all or part of the potential APE; and
5. Any geotechnical reports regarding all or part of the potential APE.

Lead agencies should be aware that records maintained by the NAHC and CHRIS is not exhaustive, and a negative response to these searches does not preclude the existence of a cultural place. A tribe may be the only source of information regarding the existence of a tribal cultural resource.

This information will aid tribes in determining whether to request formal consultation. In the case that they do, having the information beforehand will help to facilitate the consultation process.

If you receive notification of change of addresses and phone numbers from tribes, please notify me. With your assistance we are able to assure that our consultation list contains current information.

If you have any questions, please contact me at my email address: gayle.totton@nahc.ca.gov.

Sincerely,



Gayle Totton, M.A., PhD.
Associate Governmental Program Analyst

Native American Heritage Commission
Tribal Consultation List
Orange County
10/7/2016

**Gabrieleno Band of Mission
Indians - Kizh Nation**

Andrew Salas, Chairperson
P.O. Box 393
Covina, CA, 91723
Phone: (626) 926-4131
gabrielenoindians@yahoo.com

duplicate

**Agua Caliente Band of Cahuilla
Indians**

Jeff Grubbe, Chairperson
5401 Dinah Shore Drive
Palm Springs, CA, 92264
Phone: (760) 699-6800
Fax: (760) 699-6919

Cahuilla
Luiseno

Campo Band of Mission Indians

Ralph Goff, Chairperson
36190 Church Road, Suite 1
Campo, CA, 91906
Phone: (619) 478-9046
Fax: (619) 478-5818
rgoff@campo-nsn.gov

Kumeyaay

Ewiiapaayp Tribal Office

Michael Garcia, Vice Chairperson
4054 Willows Road
Alpine, CA, 91901
Phone: (619) 445-6315
Fax: (619) 445-9126
michaalg@leaningrock.net

Kumeyaay

Ewiiapaayp Tribal Office

Robert Pinto, Chairperson
4054 Willows Road
Alpine, CA, 91901
Phone: (619) 445-6315
Fax: (619) 445-9126

Kumeyaay

**Gabrieleno Band of Mission
Indians - Kizh Nation**

Andrew Salas, Chairperson
P.O. Box 393
Covina, CA, 91723
Phone: (626) 926-4131
gabrielenoindians@yahoo.com

Gabrielino

**Gabrieleno/Tongva San Gabriel
Band of Mission Indians**

Anthony Morales, Chairperson
P.O. Box 693
San Gabriel, CA, 91778
Phone: (626) 483-3564
Fax: (626) 286-1262
GTTribalcouncil@aol.com

Gabrielino

Gabrielino /Tongva Nation

Sandonne Goad, Chairperson
106 1/2 Judge John Aiso St.,
#231
Los Angeles, CA, 90012
Phone: (951) 807-0479
sgoad@gabrielino-tongva.com

Gabrielino

**Gabrielino Tongva Indians of
California Tribal Council**

Robert F. Dorame, Chairperson
P.O. Box 490
Bellflower, CA, 90707
Phone: (562) 761-6417
Fax: (562) 761-6417
gtongva@verizon.net

Gabrielino

Gabrielino-Tongva Tribe

Linda Candelaria, Co-Chairperson
1999 Avenue of the Stars, Suite
1100
Los Angeles, CA, 90067
Phone: (626) 676-1184

Gabrielino

Jamul Indian Village

Erica Pinto, Chairperson
P.O. Box 612
Jamul, CA, 91935
Phone: (619) 669-4785
Fax: (619) 669-4817

Kumeyaay

**Juaneno Band of Mission
Indians**

Sonia Johnston, Chairperson
P.O. Box 25628
Santa Ana, CA, 92799
sonia.johnston@sbcglobal.net

Juaneno

This list is current only as of the date of this document. Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 6097.98 of the Public Resources Code and section 5097.98 of the Public Resources Code.

This list is only applicable for consultation with Native American tribes under Public Resources Code Sections 21080.3.1 for the proposed SR-133 (Laguna Canyon Road) Safety Project (EA 0N0600; PM 3.1-3.6), Orange County.

**Native American Heritage Commission
Tribal Consultation List
Orange County
10/7/2016**

**Juaneno Band of Mission
Indians Acjachemen Nation -
Belardes**

Matias Belardes, Chairperson
32161 Avenida Los Amigos
San Juan Capistrano, CA, 92675
Phone: (949)293-8522
Juaneno

**Manzanita Band of Kumeyaay
Nation**

Angela Elliott Santos, Chairperson
P.O. Box 1302
Boulevard, CA, 91905
Phone: (619) 766-4930
Fax: (619) 766-4957
Kumeyaay

**Juaneno Band of Mission
Indians Acjachemen Nation -
Romero**

Teresa Romero, Chairperson
31411-A La Matanza Street
San Juan Capistrano, CA, 92675
Phone: (949)488-3484
Fax: (949) 488-3294
tromero@juaneno.com
Juaneno

**Mesa Grande Band of Mission
Indians**

Virgil Oyos, Chairperson
P.O Box 270
Santa Ysabel, CA, 92070
Phone: (760)782-3818
Fax: (760) 782-9092
mesagrandeband@msn.com
Kumeyaay

**La Jolla Band of Luiseno
Indians**

Thomas Rodriguez, Chairperson
22000 Highway 76
Pauma Valley, CA, 92061
Phone: (760)742-3771
Luiseno

Pala Band of Mission Indians

Robert Smith, Chairperson
12196 Pala Mission Road
Pala, CA, 92059
Phone: (760) 891-3500
Fax: (760) 742-3189
rsmith@palatribe.com
Cupeno
Luiseno

**La Posta Band of Mission
Indians**

Javaughn Miller, Tribal
Administrator
8 Crestwood Road
Boulevard, CA, 91905
Phone: (619)478-2113
Fax: (619) 478-2125
jmiller@Lapostatribe.net
Kumeyaay

**Pauma Band of Luiseno Indians
- Pauma & Yuima Reservation**

Temet Aguilar, Chairperson
P.O. Box 369, Ext. 303
Pauma Valley, CA, 92061
Phone: (760)742-1289
Fax: (760) 742-3422
Luiseno

**La Posta Band of Mission
Indians**

Gwendolyn Parada, Chairperson
8 Crestwood Road
Boulevard, CA, 91905
Phone: (619)478-2113
Fax: (619) 478-2125
LP13boots@aol.com
Kumeyaay

**Pechanga Band of Mission
Indians**

Mark Macarro, Chairperson
P.O. Box 1477
Temecula, CA, 92593
Phone: (951) 770-6000
Fax: (951) 695-1778
striplett@pechanga-nsn.gov
Luiseno

Rincon Band of Mission Indians

Bo Mazzetti, Chairperson
1 West Tribal Road
Valley Center, CA, 92082
Phone: (760)749-1051
Fax: (760) 749-5144
bomazzetti@aol.com
Luiseno

This list is current only as of the date of this document. Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 6097.98 of the Public Resources Code and section 5097.98 of the Public Resources Code.

This list is only applicable for consultation with Native American tribes under Public Resources Code Sections 21080.3.1 for the proposed SR-133 (Laguna Canyon Road) Safety Project (EA 0N0600; PM 3.1-3.6), Orange County.

**Native American Heritage Commission
Tribal Consultation List
Orange County
10/7/2016**

Rincon Band of Mission Indians

Jim McPherson, Tribal Historic
Preservation Officer
1 West Tribal Road Luiseno
Valley Center, CA, 92082
Phone: (760)749-1051
Fax: (760) 749-5144
vwhipple@rincontriibe.org

***San Fernando Band of Mission
Indians***

John Valenzuela, Chairperson
P.O. Box 221838 Kitanemuk
Newhall, CA, 91322 Serrano
Phone: (760) 885-0955 Tataviam
tsen2u@hotmail.com

***San Luis Rey Band of Mission
Indians***

San Luis Rey, Tribal Council
1889 Sunset Drive Luiseno
Vista, CA, 92081
Phone: (760)724-8505
Fax: (760) 724-2172
cjmojado@slrmissionindians.org

***San Pasqual Band of Mission
Indians***

Allen E. Lawson, Chairperson
P.O. Box 365 Kumeyaay
Valley Center, CA, 92082
Phone: (760)749-3200
Fax: (760) 749-3876
allenl@sanpasqualtribe.org

***Soboba Band of Luiseno
Indians***

Rosemary Morillo, Chairperson
P. O. Box 487 Cahuilla
San Jacinto, CA, 92583 Luiseno
Phone: (951) 654-2765
Fax: (951) 654-4198
rmorillo@soboba-hsn.gov

***Sycuan Band of the Kumeyaay
Nation***

Cody J. Martinez, Chairperson
1 Kwaaypaay Court Kumeyaay
El Cajon, CA, 92019
Phone: (619)445-2613
Fax: (619) 445-1927
ssilva@sycuan-nsn.gov

***Viejas Band of Kumeyaay
Indians***

Robert J. Welch, Chairperson
1 Viejas Grade Road Kumeyaay
Alpine, CA, 91901
Phone: (619)445-3810
Fax: (619) 445-5337
jhagen@viejas-nsn.gov

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DEPARTMENT OF TRANSPORTATION**DISTRICT 12**

1750 E. Fourth St., Suite 100

Santa Ana, CA 92705

PHONE (657) 328-6165



*Serious Drought
Serious drought
Help save water!*

October 12, 2016

Mr. Matias Belardes, Chairperson
Juaneno Band of Mission Indians-Acjachemen Nation-Belardes
32161 Avenida Los Amigos
San Juan Capistrano, California 92675

Subject: Cultural Resources Studies for the SR-133 (Laguna Canyon Road) Safety Project (EA 0N0600)

Dear Mr. Belardes:

The California Department of Transportation (Caltrans) District 12 is conducting a cultural resources study for the State Route SR 133 (Laguna Canyon Road) Safety Project located in Orange County, California. This will include providing two lanes in the northbound direction of SR-133 between El Toro Road and the SR-133/73 (San Joaquin Hills Transportation Corridor) interchange, and extending the second travel lane by 600 feet in the northbound direction and 900 feet in the southbound direction of SR-133 just south of the El Toro Road intersection. Additional pavement will be constructed along the northbound roadbed to provide an 8-foot shoulder and two 12-foot travel lane. The SR 133 (Laguna Canyon Road) Safety Project is depicted on the attached portion of the Laguna Beach 7.5" USGS topographic map.

The purpose of the current study is to determine if cultural resources would be impacted by the State Route SR 133 (Laguna Canyon Road) Safety Project. As part of our research, Caltrans is contacting interested parties, including Native American groups, to help identify prehistoric sites, sacred sites, and/or traditional cultural properties located in the vicinity of the Project Area.

Caltrans sub-consultant ICF International has contacted the Native American Heritage Commission (NAHC) for a review of the Sacred Lands Files and the NAHC recommended that you be contacted. The NAHC indicated that there are no Native American cultural resources in the project area. ICF also conducted a record search for this project, and no prehistoric archaeological sites are recorded in the project footprint. Thirteen archaeological sites are recorded within a half mile of the project, but none will be impacted by the project.

We are requesting any information you wish to contribute regarding the sensitivity for cultural resources in the area and your concerns regarding the Project's potential effect on those resources.

Mr. Matias Belardes
EA 0N0600/SR-133
Page 2

Please note that Caltrans District 12 is in the process of moving from Irvine to Santa Ana (Orange County). For the next month or so, mail is being delivered to the Irvine address.

As such, please contact Cheryl Sinopoli, District 12 Archaeologist, with any comments or questions at the following:

Attn: Cheryl Sinopoli, District 12 Archaeologist
California Department of Transportation – Environmental Analysis
3347 Michelson Dr., Suite 100
Irvine, CA 92612

(657) 328-6165
cheryl.sinopoli@dot.ca.gov

Please also consider this letter and preliminary project information as the initiation of Section 106 consultation pursuant to the National Historic Preservation Act and formal notification of a proposed project as required under the California Environmental Quality Act, specifically Public Resources Code 21080.3.1 and Chapter 532 Statutes of 2014 (i.e., AB 52). Please respond within 30 days, pursuant to PRC 21080.3.1(d) if you would like to consult on this project.

Thank you for your attention and time. We look forward to hearing from you with respect to this undertaking.

Sincerely,

A handwritten signature in blue ink, appearing to read 'CB', is written over a light blue circular stamp.

Charles Baker, Environmental Branch Chief

Enclosure

DEPARTMENT OF TRANSPORTATION**DISTRICT 12**

1750 E. Fourth St., Suite 100

Santa Ana, CA 92705

PHONE (657) 328-6165



*Serious Drought.
Serious drought
Help save water!*

October 12, 2016

Mr. Robert J. Welch, Chairperson
Viejas Band of Kumeyaay Indians
1 Viejas Grade Road
Viejas, California 91901

**Subject: Cultural Resources Studies for the SR-133 (Laguna Canyon Road) Safety Project
(EA 0N0600)**

Dear Mr. Welch:

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Mr. Robert J. Welch
EA 0N0600/SR-133
Page 2

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California Department of Transportation – Environmental Analysis
3347 Michelson Dr., Suite 100
Irvine, CA 92612

(657) 328-6165
cheryl.sinopoli@dot.ca.gov

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Thank you for your attention and time. We look forward to hearing from you with respect to this undertaking.

Sincerely,

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Charles Baker, Environmental Branch Chief

Enclosure

DEPARTMENT OF TRANSPORTATION**DISTRICT 12**

1750 E. Fourth St., Suite 100
Santa Ana, CA 92705
PHONE (657) 328-6165



*Serious Drought
Serious drought.
Help save water!*

October 12, 2016

Ms. Rosemary Morillo, Chairperson
Soboba Band of Luiseno Indians
PO Box 487
San Jacinto, CA 92583

**Subject: Cultural Resources Studies for the SR-133 (Laguna Canyon Road) Safety Project
(EA 0N0600)**

Dear Ms. Morillo:

The California Department of Transportation (Caltrans) District 12 is conducting a cultural resources study for the State Route SR 133 (Laguna Canyon Road) Safety Project located in Orange County, California. This will include providing two lanes in the northbound direction of SR-133 between El Toro Road and the SR-133/73 (San Joaquin Hills Transportation Corridor) interchange, and extending the second travel lane by 600 feet in the northbound direction and 900 feet in the southbound direction of SR-133 just south of the El Toro Road intersection. Additional pavement will be constructed along the northbound roadbed to provide an 8-foot shoulder and two 12-foot travel lane. The SR 133 (Laguna Canyon Road) Safety Project is depicted on the attached portion of the Laguna Beach 7.5" USGS topographic map.

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Ms. Rosemary Morillo
EA 0N0600/SR-133
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Charles Baker, Environmental Branch Chief

Enclosure

DEPARTMENT OF TRANSPORTATION**DISTRICT 12**

1750 E. Fourth St., Suite 100
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October 12, 2016

Mr. John Valenzuela, Chairperson
San Fernando Band of Mission Indians
PO Box 221838
Newhall, CA 91322

**Subject: Cultural Resources Studies for the SR-133 (Laguna Canyon Road) Safety Project
(EA 0N0600)**

Dear Mr. Valenzuela:

The California Department of Transportation (Caltrans) District 12 is conducting a cultural resources study for the State Route SR 133 (Laguna Canyon Road) Safety Project located in Orange County, California. This will include providing two lanes in the northbound direction of SR-133 between El Toro Road and the SR-133/73 (San Joaquin Hills Transportation Corridor) interchange, and extending the second travel lane by 600 feet in the northbound direction and 900 feet in the southbound direction of SR-133 just south of the El Toro Road intersection. Additional pavement will be constructed along the northbound roadbed to provide an 8-foot shoulder and two 12-foot travel lane. The SR 133 (Laguna Canyon Road) Safety Project is depicted on the attached portion of the Laguna Beach 7.5" USGS topographic map.

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Mr. John Valenzuela
EA 0N0600/SR-133
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*Serious Drought.
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Help save water!*

October 12, 2016

Mr. Robert Smith, Chairperson
Pala Band of Mission Indians
12196 Pala Mission Road
Pala, CA 92059

**Subject: Cultural Resources Studies for the SR-133 (Laguna Canyon Road) Safety Project
(EA 0N0600)**

Dear Mr. Smith:

The California Department of Transportation (Caltrans) District 12 is conducting a cultural resources study for the State Route SR 133 (Laguna Canyon Road) Safety Project located in Orange County, California. This will include providing two lanes in the northbound direction of SR-133 between El Toro Road and the SR-133/73 (San Joaquin Hills Transportation Corridor) interchange, and extending the second travel lane by 600 feet in the northbound direction and 900 feet in the southbound direction of SR-133 just south of the El Toro Road intersection. Additional pavement will be constructed along the northbound roadbed to provide an 8-foot shoulder and two 12-foot travel lane. The SR 133 (Laguna Canyon Road) Safety Project is depicted on the attached portion of the Laguna Beach 7.5" USGS topographic map.

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Mr. Robert Smith
EA 0N0600/SR-133
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Charles Baker, Environmental Branch Chief

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Serious drought.
Help save water.*

October 12, 2016

Ms. Angela Elliot Santos, Chairperson
Manzanita Band of Kumeyaay Nation
P.O. Box 1302
Boulevard, California 91905

**Subject: Cultural Resources Studies for the SR-133 (Laguna Canyon Road) Safety Project
(EA 0N0600)**

Dear Ms. Santos:

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Ms. Angela Elliot Santos
EA 0N0600/SR-133
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DEPARTMENT OF TRANSPORTATION

DISTRICT 12

1750 E. Fourth St., Suite 100

Santa Ana, CA 92705

PHONE (657) 328-6165



*Serious Drought.
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Help save water!*

October 12, 2016

San Luis Rey Tribal Council
San Luis Rey Band of Mission Indians
1889 Sunset Drive
Vista, CA 92081

**Subject: Cultural Resources Studies for the SR-133 (Laguna Canyon Road) Safety Project
(EA 0N0600)**

Dear San Luis Rey Tribal Council:

The California Department of Transportation (Caltrans) District 12 is conducting a cultural resources study for the State Route SR 133 (Laguna Canyon Road) Safety Project located in Orange County, California. This will include providing two lanes in the northbound direction of SR-133 between El Toro Road and the SR-133/73 (San Joaquin Hills Transportation Corridor) interchange, and extending the second travel lane by 600 feet in the northbound direction and 900 feet in the southbound direction of SR-133 just south of the El Toro Road intersection. Additional pavement will be constructed along the northbound roadbed to provide an 8-foot shoulder and two 12-foot travel lane. The SR 133 (Laguna Canyon Road) Safety Project is depicted on the attached portion of the Laguna Beach 7.5" USGS topographic map.

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San Luis Rey
EA 0N0600/SR-133
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Charles Baker, Environmental Branch Chief

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DEPARTMENT OF TRANSPORTATION**DISTRICT 12**

1750 E. Fourth St., Suite 100

Santa Ana, CA 92705

PHONE (657) 328-6165



*Serious Drought
Serious drought.
Help save water!*

October 12, 2016

Mr. Andrew Salas, Chairperson
Gabrielino Band of Mission Indians – Kizh Nation
PO Box 393
Covina, California 91723

**Subject: Cultural Resources Studies for the SR-133 (Laguna Canyon Road) Safety Project
(EA 0N0600)**

Dear Mr. Salas:

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Mr. Andrew Salas
EA 0N0600/SR-133
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PHONE: (657) 328-6165



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October 12, 2016

Mr. Robert Pinto, Chairperson
Ewiiapaayp Tribal Office
4054 Willows Road
Alpine, California 91901

**Subject: Cultural Resources Studies for the SR-133 (Laguna Canyon Road) Safety Project
(EA 0N0600)**

Dear Mr. Pinto:

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Mr. Robert Pinto
EA 0N0600/SR-133
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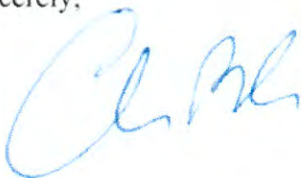
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Charles Baker, Environmental Branch Chief

Enclosure

DEPARTMENT OF TRANSPORTATION**DISTRICT 12**

1750 E. Fourth St., Suite 100
Santa Ana, CA 92705
PHONE (657) 328-6165



*Serious Drought
Serious drought
Help save water*

October 12, 2016

Ms. Teresa Romero, Chairperson
Juaneno Band of Mission Indians-Acjachemen Nation-Romero
31411-A La Matanza Street
San Juan Capistrano, California 92675

Subject: Cultural Resources Studies for the SR-133 (Laguna Canyon Road) Safety Project (EA 0N0600)

Dear Ms. Romero:

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Ms. Teresa Romero
EA 0N0600/SR-133
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Charles Baker, Environmental Branch Chief

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Santa Ana, CA 92705

PHONE (657) 328-6165



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Help save water!*

October 12, 2016

Mr. Thomas Rodriguez, Chairperson
La Jolla Band of Luiseno Indians
22000 Highway 76
Pauma Valley, CA 92061

**Subject: Cultural Resources Studies for the SR-133 (Laguna Canyon Road) Safety Project
(EA 0N0600)**

Dear Mr. Rodriguez:

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EA 0N0600/SR-133
Page 2

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California Department of Transportation – Environmental Analysis
3347 Michelson Dr., Suite 100
Irvine, CA 92612

(657) 328-6165
cheryl.sinopoli@dot.ca.gov

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Thank you for your attention and time. We look forward to hearing from you with respect to this undertaking.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Charles Baker', is written over a faint circular stamp.

Charles Baker, Environmental Branch Chief

Enclosure

DEPARTMENT OF TRANSPORTATION**DISTRICT 12**

1750 E. Fourth St., Suite 100

Santa Ana, CA 92705

PHONE (657) 328-6165



*Serious Drought.
Serious drought.
Help save water!*

October 12, 2016

Ms. Erica Pinto, Chairperson
Jamul Indian Village
P.O. Box 612
Jamul, California 91935

**Subject: Cultural Resources Studies for the SR-133 (Laguna Canyon Road) Safety Project
(EA 0N0600)**

Dear Ms. Pinto:

The California Department of Transportation (Caltrans) District 12 is conducting a cultural resources study for the State Route SR 133 (Laguna Canyon Road) Safety Project located in Orange County, California. This will include providing two lanes in the northbound direction of SR-133 between El Toro Road and the SR-133/73 (San Joaquin Hills Transportation Corridor) interchange, and extending the second travel lane by 600 feet in the northbound direction and 900 feet in the southbound direction of SR-133 just south of the El Toro Road intersection. Additional pavement will be constructed along the northbound roadbed to provide an 8-foot shoulder and two 12-foot travel lane. The SR 133 (Laguna Canyon Road) Safety Project is depicted on the attached portion of the Laguna Beach 7.5" USGS topographic map.

The purpose of the current study is to determine if cultural resources would be impacted by the State Route SR 133 (Laguna Canyon Road) Safety Project. As part of our research, Caltrans is contacting interested parties, including Native American groups, to help identify prehistoric sites, sacred sites, and/or traditional cultural properties located in the vicinity of the Project Area.

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Ms. Erica Pinto
EA 0N0600/SR-133
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Charles Baker, Environmental Branch Chief

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DISTRICT 12

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PHONE (657) 328-6165



Serious Drought
Serious drought
Help save water!

October 12, 2016

Mr. Virgil Oyos, Chairperson
Mesa Grande Band of Mission Indians
P.O. Box 270
Santa Ysabel, California 92070

**Subject: Cultural Resources Studies for the SR-133 (Laguna Canyon Road) Safety Project
(EA 0N0600)**

Dear Mr. Oyos:

The California Department of Transportation (Caltrans) District 12 is conducting a cultural resources study for the State Route SR 133 (Laguna Canyon Road) Safety Project located in Orange County, California. This will include providing two lanes in the northbound direction of SR-133 between El Toro Road and the SR-133/73 (San Joaquin Hills Transportation Corridor) interchange, and extending the second travel lane by 600 feet in the northbound direction and 900 feet in the southbound direction of SR-133 just south of the El Toro Road intersection. Additional pavement will be constructed along the northbound roadbed to provide an 8-foot shoulder and two 12-foot travel lane. The SR 133 (Laguna Canyon Road) Safety Project is depicted on the attached portion of the Laguna Beach 7.5" USGS topographic map.

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Mr. Virgil Oyos
EA 0N0600/SR-133
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Charles Baker, Environmental Branch Chief

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1750 E. Fourth St., Suite 100

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PHONE (657) 328-6165



*Serious Drought
Serious drought
Help save water!*

October 12, 2016

Ms. Gwendolyn Parada, Chairperson
La Posta Band of Mission Indians
8 Crestwood Road
Boulevard, California 91905

**Subject: Cultural Resources Studies for the SR-133 (Laguna Canyon Road) Safety Project
(EA 0N0600)**

Dear Ms. Parada:

The California Department of Transportation (Caltrans) District 12 is conducting a cultural resources study for the State Route SR 133 (Laguna Canyon Road) Safety Project located in Orange County, California. This will include providing two lanes in the northbound direction of SR-133 between El Toro Road and the SR-133/73 (San Joaquin Hills Transportation Corridor) interchange, and extending the second travel lane by 600 feet in the northbound direction and 900 feet in the southbound direction of SR-133 just south of the El Toro Road intersection. Additional pavement will be constructed along the northbound roadbed to provide an 8-foot shoulder and two 12-foot travel lane. The SR 133 (Laguna Canyon Road) Safety Project is depicted on the attached portion of the Laguna Beach 7.5" USGS topographic map.

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Ms. Gwendolyn Parada
EA 0N0600/SR-133
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Charles Baker, Environmental Branch Chief

Enclosure

DEPARTMENT OF TRANSPORTATION

DISTRICT 12

1750 E. Fourth St., Suite 100

Santa Ana, CA 92705

PHONE (657) 328-6165



*Serious Drought.
Serious drought.
Help save water!*

October 12, 2016

Mr. Anthony Morales, Chairperson
Gabrielino/Tongva San Gabriel Band of Mission Indians
PO Box 693
San Gabriel, California 91778

Subject: Cultural Resources Studies for the SR-133 (Laguna Canyon Road) Safety Project (EA 0N0600)

Dear Mr. Morales:

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Mr. Anthony Morales
EA 0N0600/SR-133
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Charles Baker, Environmental Branch Chief

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DISTRICT 12

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*Serious Drought
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October 12, 2016

Mr. Javaughn Miller, Tribal Administrator
La Posta Band of Mission Indians
8 Crestwood Road
Boulevard, California 91905

Subject: Cultural Resources Studies for the SR-133 (Laguna Canyon Road) Safety Project (EA 0N0600)

Dear Mr. Miller:

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Mr. Javaughn Miller
EA 0N0600/SR-133
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DEPARTMENT OF TRANSPORTATION**DISTRICT 12**

1750 E. Fourth St., Suite 100

Santa Ana, CA 92705

PHONE (657) 328-6165



*Serious Drought
Serious drought
Help save water'*

October 12, 2016

Mr. Michael Garcia, Vice Chairperson
Ewiiapaayp Tribal Office
4054 Willows Road
Alpine, California 91901

**Subject: Cultural Resources Studies for the SR-133 (Laguna Canyon Road) Safety Project
(EA 0N0600)**

Dear Mr. Garcia:

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Mr. Michael Garcia
EA 0N0600/SR-133
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DEPARTMENT OF TRANSPORTATION**DISTRICT 12**

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October 12, 2016

Mr. Jim McPherson, Tribal Historic Preservation Officer
Rincon Band of Mission Indians
1 West Tribal Road
Valley Center, CA 92082

**Subject: Cultural Resources Studies for the SR-133 (Laguna Canyon Road) Safety Project
(EA 0N0600)**

Dear Mr. McPherson:

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EA 0N0600/SR-133
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Santa Ana, CA 92705

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October 12, 2016

Mr. Bo Mazzetti, Chairperson
Rincon Band of Mission Indians
1 West Tribal Road
Valley Center, CA 92082

Subject: Cultural Resources Studies for the SR-133 (Laguna Canyon Road) Safety Project (EA 0N0600)

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October 12, 2016

Mr. Cody J. Martinez, Chairperson
Sycuan Band of Kumeyaay Nation
1 Kwaaypaay Court
El Cajon, California 92019

**Subject: Cultural Resources Studies for the SR-133 (Laguna Canyon Road) Safety Project
(EA 0N0600)**

Dear Mr. Martinez:

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Mr. Cody J. Martinez
EA 0N0600/SR-133
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Charles Baker, Environmental Branch Chief

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Santa Ana, CA 92705

PHONE (657) 328-6165



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October 12, 2016

Mr. Mark Macarro, Chairperson
Pechanga Band of Mission Indians
PO Box 1477
Temecula, CA 92593

Subject: Cultural Resources Studies for the SR-133 (Laguna Canyon Road) Safety Project (EA 0N0600)

Dear Mr. Macarro:

The California Department of Transportation (Caltrans) District 12 is conducting a cultural resources study for the State Route SR 133 (Laguna Canyon Road) Safety Project located in Orange County, California. This will include providing two lanes in the northbound direction of SR-133 between El Toro Road and the SR-133/73 (San Joaquin Hills Transportation Corridor) interchange, and extending the second travel lane by 600 feet in the northbound direction and 900 feet in the southbound direction of SR-133 just south of the El Toro Road intersection. Additional pavement will be constructed along the northbound roadbed to provide an 8-foot shoulder and two 12-foot travel lane. The SR 133 (Laguna Canyon Road) Safety Project is depicted on the attached portion of the Laguna Beach 7.5" USGS topographic map.

The purpose of the current study is to determine if cultural resources would be impacted by the State Route SR 133 (Laguna Canyon Road) Safety Project. As part of our research, Caltrans is contacting interested parties, including Native American groups, to help identify prehistoric sites, sacred sites, and/or traditional cultural properties located in the vicinity of the Project Area.

Caltrans sub-consultant ICF International has contacted the Native American Heritage Commission (NAHC) for a review of the Sacred Lands Files and the NAHC recommended that you be contacted. The NAHC indicated that there are no Native American cultural resources in the project area. ICF also conducted a record search for this project, and no prehistoric archaeological sites are recorded in the project footprint. Thirteen archaeological sites are recorded within a half mile of the project, but none will be impacted by the project.

We are requesting any information you wish to contribute regarding the sensitivity for cultural resources in the area and your concerns regarding the Project's potential effect on those resources.

Mr. Mark Macarro
EA 0N0600/SR-133
Page 2

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Attn: Cheryl Sinopoli, District 12 Archaeologist
California Department of Transportation – Environmental Analysis
3347 Michelson Dr., Suite 100
Irvine, CA 92612

(657) 328-6165
cheryl.sinopoli@dot.ca.gov

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Thank you for your attention and time. We look forward to hearing from you with respect to this undertaking.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Charles Baker', is written over the word 'Sincerely,'.

Charles Baker, Environmental Branch Chief

Enclosure

DEPARTMENT OF TRANSPORTATION**DISTRICT 12**

1750 E. Fourth St., Suite 100

Santa Ana, CA 92705

PHONE (657) 328-6165



Serious Drought
Serious drought.
Help save water!

September 22, 2016

Mr. Allen E. Lawson, Chairperson
San Pasqual Band of Mission Indians
P.O. Box 365
Valley Center, California 92082

**Subject: Cultural Resources Studies for the SR-133 (Laguna Canyon Road) Safety Project
(EA 0N0600)**

Dear Mr. Lawson:

The California Department of Transportation (Caltrans) District 12 is conducting a cultural resources study for the State Route SR 133 (Laguna Canyon Road) Safety Project located in Orange County, California. This will include providing two lanes in the northbound direction of SR-133 between El Toro Road and the SR-133/73 (San Joaquin Hills Transportation Corridor) interchange, and extending the second travel lane by 600 feet in the northbound direction and 900 feet in the southbound direction of SR-133 just south of the El Toro Road intersection. Additional pavement will be constructed along the northbound roadbed to provide an 8-foot shoulder and two 12-foot travel lane. The SR 133 (Laguna Canyon Road) Safety Project is depicted on the attached portion of the Laguna Beach 7.5" USGS topographic map.

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Mr. Allen E. Lawson
EA 0N0600/SR-133
Page 2

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Charles Baker, Environmental Branch Chief

Enclosure

DEPARTMENT OF TRANSPORTATION**DISTRICT 12**

1750 E. Fourth St., Suite 100

Santa Ana, CA 92705

PHONE (657) 328-6165



*Serious Drought.
Serious drought.
Help save water!*

October 12, 2016

Ms. Sonia Johnston, Chairperson
Juaneno Band of Mission Indians
P.O. Box 25628
Santa Ana, California 92799

**Subject: Cultural Resources Studies for the SR-133 (Laguna Canyon Road) Safety Project
(EA 0N0600)**

Dear Ms. Johnston:

The California Department of Transportation (Caltrans) District 12 is conducting a cultural resources study for the State Route SR 133 (Laguna Canyon Road) Safety Project located in Orange County, California. This will include providing two lanes in the northbound direction of SR-133 between El Toro Road and the SR-133/73 (San Joaquin Hills Transportation Corridor) interchange, and extending the second travel lane by 600 feet in the northbound direction and 900 feet in the southbound direction of SR-133 just south of the El Toro Road intersection. Additional pavement will be constructed along the northbound roadbed to provide an 8-foot shoulder and two 12-foot travel lane. The SR 133 (Laguna Canyon Road) Safety Project is depicted on the attached portion of the Laguna Beach 7.5" USGS topographic map.

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Ms. Sonia Johnston
EA 0N0600/SR-133
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Charles Baker, Environmental Branch Chief

Enclosure

DEPARTMENT OF TRANSPORTATION**DISTRICT 12**

1750 E. Fourth St., Suite 100

Santa Ana, CA 92705

PHONE (657) 328-6165



*Serious Drought.
Serious drought.
Help save water!*

October 12, 2016

Mr. Jeff Grubbe, Chairperson
Agua Caliente Band of Cahuilla Indians
5401 Dinah Shore Drive
Palm Springs, California 92264

**Subject: Cultural Resources Studies for the SR-133 (Laguna Canyon Road) Safety Project
(EA 0N0600)**

Dear Mr. Grubbe:

The California Department of Transportation (Caltrans) District 12 is conducting a cultural resources study for the State Route SR 133 (Laguna Canyon Road) Safety Project located in Orange County, California. This will include providing two lanes in the northbound direction of SR-133 between El Toro Road and the SR-133/73 (San Joaquin Hills Transportation Corridor) interchange, and extending the second travel lane by 600 feet in the northbound direction and 900 feet in the southbound direction of SR-133 just south of the El Toro Road intersection. Additional pavement will be constructed along the northbound roadbed to provide an 8-foot shoulder and two 12-foot travel lane. The SR 133 (Laguna Canyon Road) Safety Project is depicted on the attached portion of the Laguna Beach 7.5" USGS topographic map.

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Mr. Jeff Grubbe
EA 0N0600/SR-133
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Charles Baker, Environmental Branch Chief

Enclosure

DEPARTMENT OF TRANSPORTATION**DISTRICT 12**

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Santa Ana, CA 92705

PHONE (657) 328-6165



*Serious Drought.
Serious drought.
Help save water!*

October 12, 2016

Mr. Temet Aguilar, Chairperson
Pauma Band of Luiseno Indians – Pauma & Yuima Reservation
PO Box 369, Ext. 303
Pauma Valley, CA 92061

**Subject: Cultural Resources Studies for the SR-133 (Laguna Canyon Road) Safety Project
(EA 0N0600)**

Dear Mr. Aguilar:

The California Department of Transportation (Caltrans) District 12 is conducting a cultural resources study for the State Route SR 133 (Laguna Canyon Road) Safety Project located in Orange County, California. This will include providing two lanes in the northbound direction of SR-133 between El Toro Road and the SR-133/73 (San Joaquin Hills Transportation Corridor) interchange, and extending the second travel lane by 600 feet in the northbound direction and 900 feet in the southbound direction of SR-133 just south of the El Toro Road intersection. Additional pavement will be constructed along the northbound roadbed to provide an 8-foot shoulder and two 12-foot travel lane. The SR 133 (Laguna Canyon Road) Safety Project is depicted on the attached portion of the Laguna Beach 7.5" USGS topographic map.

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Mr. Temet Aguilar
EA 0N0600/SR-133
Page 2

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Charles Baker, Environmental Branch Chief

Enclosure

DEPARTMENT OF TRANSPORTATION**DISTRICT 12**

1750 E. Fourth St., Suite 100

Santa Ana, CA 92705

PHONE (657) 328-6165



*Serious Drought
Serious drought
Help save water!*

October 12, 2016

Ms. Linda Candelaria, Co-Chairperson
Gabrielino/Tongva Nation
1999 Avenue of the Stars, Suite 1100
Los Angeles, California 90067

**Subject: Cultural Resources Studies for the SR-133 (Laguna Canyon Road) Safety Project
(EA 0N0600)**

Dear Ms. Candelaria:

The California Department of Transportation (Caltrans) District 12 is conducting a cultural resources study for the State Route SR 133 (Laguna Canyon Road) Safety Project located in Orange County, California. This will include providing two lanes in the northbound direction of SR-133 between El Toro Road and the SR-133/73 (San Joaquin Hills Transportation Corridor) interchange, and extending the second travel lane by 600 feet in the northbound direction and 900 feet in the southbound direction of SR-133 just south of the El Toro Road intersection. Additional pavement will be constructed along the northbound roadbed to provide an 8-foot shoulder and two 12-foot travel lane. The SR 133 (Laguna Canyon Road) Safety Project is depicted on the attached portion of the Laguna Beach 7.5" USGS topographic map.

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Ms. Linda Candelaria
EA 0N0600/SR-133
Page 2

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Charles Baker, Environmental Branch Chief

Enclosure

DEPARTMENT OF TRANSPORTATION**DISTRICT 12**

1750 E. Fourth St., Suite 100

Santa Ana, CA 92705

PHONE (657) 328-6165



*Serious Drought.
Serious drought.
Help save water!*

October 12, 2016

Mr. Robert Dorame, Chairperson
Gabrielino Tongva Indians of California Tribal Council
PO Box 490
Bellflower, California 90707

Subject: Cultural Resources Studies for the SR-133 (Laguna Canyon Road) Safety Project (EA 0N0600)

Dear Mr. Dorame:

The California Department of Transportation (Caltrans) District 12 is conducting a cultural resources study for the State Route SR 133 (Laguna Canyon Road) Safety Project located in Orange County, California. This will include providing two lanes in the northbound direction of SR-133 between El Toro Road and the SR-133/73 (San Joaquin Hills Transportation Corridor) interchange, and extending the second travel lane by 600 feet in the northbound direction and 900 feet in the southbound direction of SR-133 just south of the El Toro Road intersection. Additional pavement will be constructed along the northbound roadbed to provide an 8-foot shoulder and two 12-foot travel lane. The SR 133 (Laguna Canyon Road) Safety Project is depicted on the attached portion of the Laguna Beach 7.5" USGS topographic map.

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Mr. Robert Dorame
EA 0N0600/SR-133
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Charles Baker, Environmental Branch Chief

Enclosure

DEPARTMENT OF TRANSPORTATION**DISTRICT 12**

1750 E. Fourth St., Suite 100

Santa Ana, CA 92705

PHONE (657) 328-6165



*Serious Drought
Serious drought
Help save water!*

October 12, 2016

Ms. Sandonne Goad, Chairperson
Gabrielino/Tongva Nation
106 1/2 Judge John Aiso Street
Los Angeles, California 90012

Subject: Cultural Resources Studies for the SR-133 (Laguna Canyon Road) Safety Project (EA 0N0600)

Dear Ms. Goad:

The California Department of Transportation (Caltrans) District 12 is conducting a cultural resources study for the State Route SR 133 (Laguna Canyon Road) Safety Project located in Orange County, California. This will include providing two lanes in the northbound direction of SR-133 between El Toro Road and the SR-133/73 (San Joaquin Hills Transportation Corridor) interchange, and extending the second travel lane by 600 feet in the northbound direction and 900 feet in the southbound direction of SR-133 just south of the El Toro Road intersection. Additional pavement will be constructed along the northbound roadbed to provide an 8-foot shoulder and two 12-foot travel lane. The SR 133 (Laguna Canyon Road) Safety Project is depicted on the attached portion of the Laguna Beach 7.5" USGS topographic map.

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Ms. Sandonne Goad
EA 0N0600/SR-133
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Charles Baker, Environmental Branch Chief

Enclosure

DEPARTMENT OF TRANSPORTATION

DISTRICT 12

1750 E. Fourth St., Suite 100

Santa Ana, CA 92705

PHONE (657) 328-6165



*Serious Drought.
Serious drought.
Help save water!*

October 12, 2016

Mr. Ralph Goff, Chairperson
Campo Band of Mission Indians
36190 Church Road, Suite 1
Campo, California 91906

Subject: Cultural Resources Studies for the SR-133 (Laguna Canyon Road) Safety Project (EA 0N0600)

Dear Mr. Goff:

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Mr. Ralph Goff
EA 0N0600/SR-133
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Santa Ana, CA 92705

PHONE (657) 328-6165



*Serious Drought.
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Help save water!*

October 12, 2016

Mr. Joseph Ontiveros, Cultural Resources Department
Soboba Band of Luiseno Indians
P.O. Box 487
San Jacinto, California 92583

**Subject: Cultural Resources Studies for the SR-133 (Laguna Canyon Road) Safety Project
(EA 0N0600)**

Dear Mr. Ontiveros:

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EA 0N0600/SR-133
Page 2

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Attn: Cheryl Sinopoli, District 12 Archaeologist
California Department of Transportation – Environmental Analysis
3347 Michelson Dr., Suite 100
Irvine, CA 92612

(657) 328-6165
cheryl.sinopoli@dot.ca.gov

Please also consider this letter and preliminary project information as the initiation of Section 106 consultation pursuant to the National Historic Preservation Act and formal notification of a proposed project as required under the California Environmental Quality Act, specifically Public Resources Code 21080.3.1 and Chapter 532 Statutes of 2014 (i.e., AB 52). Please respond within 30 days, pursuant to PRC 21080.3.1(d) if you would like to consult on this project.

Thank you for your attention and time. We look forward to hearing from you with respect to this undertaking.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Charles Baker', is positioned below the word 'Sincerely,'.

Charles Baker, Environmental Branch Chief

Enclosure

DEPARTMENT OF TRANSPORTATION**DISTRICT 12**

1750 E. Fourth St., Suite 100

Santa Ana, CA 92705

PHONE (657) 328-6165



*Serious Drought
Serious drought.
Help save water!*

October 12, 2016

Ms. Lisa Haws, Cultural Resources Manager
Sycuan Band of Kumeyaay Nation
1 Kwaaypaay Court
El Cajon, California 92019

**Subject: Cultural Resources Studies for the SR-133 (Laguna Canyon Road) Safety Project
(EA 0N0600)**

Dear Ms. Haws:

The California Department of Transportation (Caltrans) District 12 is conducting a cultural resources study for the State Route SR 133 (Laguna Canyon Road) Safety Project located in Orange County, California. This will include providing two lanes in the northbound direction of SR-133 between El Toro Road and the SR-133/73 (San Joaquin Hills Transportation Corridor) interchange, and extending the second travel lane by 600 feet in the northbound direction and 900 feet in the southbound direction of SR-133 just south of the El Toro Road intersection. Additional pavement will be constructed along the northbound roadbed to provide an 8-foot shoulder and two 12-foot travel lane. The SR 133 (Laguna Canyon Road) Safety Project is depicted on the attached portion of the Laguna Beach 7.5" USGS topographic map.

The purpose of the current study is to determine if cultural resources would be impacted by the State Route SR 133 (Laguna Canyon Road) Safety Project. As part of our research, Caltrans is contacting interested parties, including Native American groups, to help identify prehistoric sites, sacred sites, and/or traditional cultural properties located in the vicinity of the Project Area.

Caltrans sub-consultant ICF International has contacted the Native American Heritage Commission (NAHC) for a review of the Sacred Lands Files and the NAHC recommended that you be contacted. The NAHC indicated that there are no Native American cultural resources in the project area. ICF also conducted a record search for this project, and no prehistoric archaeological sites are recorded in the project footprint. Thirteen archaeological sites are recorded within a half mile of the project, but none will be impacted by the project.

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Ms. Lisa Haws
EA 0N0600/SR-133
Page 2

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October 12, 2016

Ms. Julie Hagen
Viejas Band of Kumeyaay Indians
1 Viejas Grade Road
Viejas, California 91901

**Subject: Cultural Resources Studies for the SR-133 (Laguna Canyon Road) Safety Project
(EA 0N0600)**

Dear Ms. Hagen:

The California Department of Transportation (Caltrans) District 12 is conducting a cultural resources study for the State Route SR 133 (Laguna Canyon Road) Safety Project located in Orange County, California. This will include providing two lanes in the northbound direction of SR-133 between El Toro Road and the SR-133/73 (San Joaquin Hills Transportation Corridor) interchange, and extending the second travel lane by 600 feet in the northbound direction and 900 feet in the southbound direction of SR-133 just south of the El Toro Road intersection. Additional pavement will be constructed along the northbound roadbed to provide an 8-foot shoulder and two 12-foot travel lane. The SR 133 (Laguna Canyon Road) Safety Project is depicted on the attached portion of the Laguna Beach 7.5" USGS topographic map.

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EA 0N0600/SR-133
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Charles Baker, Environmental Branch Chief

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*Serious Drought.
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October 12, 2016

Ms. Carrie Garcia, Cultural Resources Manager
Soboba Band of Luiseno Indians
P.O. Box 487
San Jacinto, California 92583

**Subject: Cultural Resources Studies for the SR-133 (Laguna Canyon Road) Safety Project
(EA 0N0600)**

Dear Ms. Garcia:

The California Department of Transportation (Caltrans) District 12 is conducting a cultural resources study for the State Route SR 133 (Laguna Canyon Road) Safety Project located in Orange County, California. This will include providing two lanes in the northbound direction of SR-133 between El Toro Road and the SR-133/73 (San Joaquin Hills Transportation Corridor) interchange, and extending the second travel lane by 600 feet in the northbound direction and 900 feet in the southbound direction of SR-133 just south of the El Toro Road intersection. Additional pavement will be constructed along the northbound roadbed to provide an 8-foot shoulder and two 12-foot travel lane. The SR 133 (Laguna Canyon Road) Safety Project is depicted on the attached portion of the Laguna Beach 7.5" USGS topographic map.

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Ms. Carrie Garcia
EA 0N0600/SR-133
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Help save water!*

October 12, 2016

Mr. John Flores, Environmental Coordinator
San Pasqual Band of Mission Indians
P.O. Box 365
Valley Center, California 92082

**Subject: Cultural Resources Studies for the SR-133 (Laguna Canyon Road) Safety Project
(EA 0N0600)**

Dear Mr. Flores:

The California Department of Transportation (Caltrans) District 12 is conducting a cultural resources study for the State Route SR 133 (Laguna Canyon Road) Safety Project located in Orange County, California. This will include providing two lanes in the northbound direction of SR-133 between El Toro Road and the SR-133/73 (San Joaquin Hills Transportation Corridor) interchange, and extending the second travel lane by 600 feet in the northbound direction and 900 feet in the southbound direction of SR-133 just south of the El Toro Road intersection. Additional pavement will be constructed along the northbound roadbed to provide an 8-foot shoulder and two 12-foot travel lane. The SR 133 (Laguna Canyon Road) Safety Project is depicted on the attached portion of the Laguna Beach 7.5" USGS topographic map.

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October 12, 2016

Ms. Patricia Garcia-Plotkin, THPO
Agua Caliente Band of Cahuilla Indians
5401 Dinah Shore Drive
Palm Springs, California 92264

**Subject: Cultural Resources Studies for the SR-133 (Laguna Canyon Road) Safety Project
(EA 0N0600)**

Dear Ms. Garcia-Plotkin:

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EA 0N0600/SR-133
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Charles Baker, Environmental Branch Chief

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DISTRICT 12

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Santa Ana, CA 92705

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*Serious Drought.
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Help save water!*

October 12, 2016

Mr. Nick Elliot, Cultural Resources Coordinator
Manzanita Band of Kumeyaay Nation
P.O. Box 1302
Boulevard, California 91905

Subject: Cultural Resources Studies for the SR-133 (Laguna Canyon Road) Safety Project (EA 0N0600)

Dear Mr. Elliott:

The California Department of Transportation (Caltrans) District 12 is conducting a cultural resources study for the State Route SR 133 (Laguna Canyon Road) Safety Project located in Orange County, California. This will include providing two lanes in the northbound direction of SR-133 between El Toro Road and the SR-133/73 (San Joaquin Hills Transportation Corridor) interchange, and extending the second travel lane by 600 feet in the northbound direction and 900 feet in the southbound direction of SR-133 just south of the El Toro Road intersection. Additional pavement will be constructed along the northbound roadbed to provide an 8-foot shoulder and two 12-foot travel lane. The SR 133 (Laguna Canyon Road) Safety Project is depicted on the attached portion of the Laguna Beach 7.5" USGS topographic map.

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October 12, 2016

Cultural Resources Coordinator
Manzanita Band of Kumeyaay Nation
PO Box 1302
Boulevard, CA 91905

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Manzanita Band
EA 0N0600/SR-133
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Charles Baker, Environmental Branch Chief

Enclosure

SR-133 (EA 0N0600 Native American Consultation

NAHC was contacted regarding the Project on August 4, 2016. NAHC responded in a letter on August 24, 2016 stating that a search of its Sacred Lands Database did not yield any sacred lands or traditional cultural properties within the project area. In addition, NAHC provided a list of Native American contacts who may have additional information on resources in the area. The NAHC was contacted regarding an AB 52 Consultation List for the Project on October 5, 2016. NAHC provided a list of tribes for consultation on October 7, 2016

Based on this NAHC list and CEQA Assembly Bill 52 (AB 52) contacts from Native American tribes, Caltrans District 12 sent Section 106 and AB 52 consultation letters and maps of the Project area to 37 Native American groups on October 12, 2016. Five responses have been received by District 12, as summarized in Table 3 below. Additionally, contacts were telephoned on November 17, and December 6, 2016. This is also summarized in Table 3. All Native American correspondence is provided in Attachment C of the HPSR.

Table 3: Summary of Native American Consultation

Native American Group/Individual	Date of Contact via Letter	Date of Reply	Date of Contact via phone	Summary of Conversation
Agua Caliente Band of Cahuilla Indians Jeff Grubbe, Chairperson Pattie Garcia-Plotkin, THPO Victoria Harvey, Archaeological Monitoring Coordinator	10/12/2016	10/19/2016	None required	10/19/16: Ms. Victoria Harvey indicated that the project was outside the Band's traditional use area, and deferred to more local tribes.
Campo Band of Mission Indians Ralph Goff, Chairperson	10/12/2016	None	11/17/16	11/17/16: Left voicemail for Mr. Goff asking to return the call if he has any comments or concerns about the project.
Ewiiaapaay Tribal Office Robert Pinto, Chairperson Michael Garcia, Vice Chairperson	10/12/2016	None	11/17/16	11/17/16: Left voicemail in tribal office in box for Mr. Pinto asking to return the call if he has any comments or concerns about the project.
Gabrielino Band of Mission Indians – Kizh Nation Andrew Salas, Chairperson,	10/12/2016	10/21/16	None required	10/21/16: Mr. Andrew Salas indicated that the project was of high sensitivity, and requested that one of his tribe's monitors be present on site during any ground disturbance activities. On 10.24.16, Caltrans responded to Mr. Salas that his request has been noted, and if research or consultation indicate a potential to encounter resources and monitoring required, he will be contacted.

Native American Group/Individual	Date of Contact via Letter	Date of Reply	Date of Contact via phone	Summary of Conversation
Gabrielino/Tongva San Gabriel Band of Mission Indians Anthony Morales, Chairperson,	10/12/2016	None	11/17/16	11/17/16: Mr. Morales requested to have Native Monitors present on site during any ground disturbance activities. Caltrans responded via email 12.13.16 that based on the minimal disturbance and results of the studies, monitoring is not proposed unless additional information is obtained to warrant it and he would be contacted.
Gabrielino/Tongva Nation Sandonne Goad, Chairperson, Sam Dunlap, Cultural Resources Director	10/12/2016	None	11/17/16	11/17/16: Spoke with Ms. Goad and she referred to Sam Dunlap, Cultural Resources Director. Left voicemail for Mr. Dunlap asking to return the call if he has any comments or concerns about the project.
Gabrielino Tongva Indians of California Tribal Council Robert F. Dorame, Tribal Chair	10/12/2016	None	11/17/16	11/17/16: Left voicemail for Mr. Dorame asking to return the call if he has any comments or concerns about the project.
Gabrielino-Tongva Tribe Linda Candelaria, Co-Chairperson	10/12/2016	None	11/17/16	11/17/16: Left voicemail for Ms. Candelaria asking to return the call if she has any comments or concerns about the project.
Jamul Indian Village Erica Pinto, Chairperson	10/12/2016	None	11/17/16	11/17/16: Left voicemail for Ms. Pinto asking to return the call if she has any comments or concerns about the project.
Juaneno Band of Mission Indians Sonia Johnston, Chairperson	10/12/2016	None	11/17/16	11/17/16: E-mail only, request for comment sent to Ms. Johnston.
Juaneno Band of Mission Indians- Acjachemen Nation- Belardes Matias Belardes, Chairperson	10/12/2016	None	11/17/16	11/17/16: Telephone answered by Ms. Joyce Perry. Ms. Perry indicated she will review the project letter. 1/22/16: Ms. Perry responded by e-mail, requesting information regarding the vertical APE. This information was provided the same day; no further comment has been received.
Juaneno Band of Mission Indians- Acjachemen Nation- Romero Teresa Romero, Chairperson	10/12/2016	None	11/17/16	11/17/16: Telephone answered by Kim Leone, who indicated Ms. Joyce Perry also represents this group, see above.
La Jolla Band of Luiseno Indians Thomas Rodriguez	10/12/2016	None	12/06/16	12/06/16: Left message for Mr. Rodriguez indicating an AB 52 letter was sent by Caltrans on 10.12.16, and asking him to return the call if he has any comments or concerns about the project.

Native American Group/Individual	Date of Contact via Letter	Date of Reply	Date of Contact via phone	Summary of Conversation
La Posta Band of Mission Indians Gwendolyn Parada, Chairperson Javaughan Miller, Tribal Administrator	10/12/2016	None	11/17/16	11/17/16: Left voicemail for Ms. Miller asking to return the call if she has any comments or concerns about the project.
Manzanita Band of Kumeyaay Nation Angela Elliot Santos, Chairperson Nick Elliot, Cultural Resources Coordinator	10/12/2016	None	11/17/16	11/17/16: Left voicemail in tribal office in box for Mr. Elliot asking to return the call if he has any comments or concerns about the project.
Mesa Grande Band of Mission Indians Virgil Oyos, Chairperson	10/12/2016	None	11/17/16	11/17/16: Phone gave busy tone - repeated calls were placed.
Pala Band of Mission Indians Robert Smith, Chairperson Shasta Gaughen, THPO	10/12/2016	10/31/16	None required	10/18/16: Ms. Gaughen indicated that the project was outside the Band's traditional use area, and deferred to more local tribes.
Pauma Band of Mission Indians - Pauma and Yuima Reservation Temet Aguilar, Chairperson	10/12/2016	None	12/06/16	12/06/16: Left voicemail in tribal office in box for Mr. Aguilar indicating an AB 52 letter was sent by Caltrans on 10.12.16, and asking him to return the call if he has any comments or concerns about the project.
Pechanga Band of Mission Indians Mark Macarro, Chairperson	10/12/2016	None	12/06/16	12.06.16: Referred to Cultural Resources Department, left voice mail requesting comments or concerns regarding AB 52 letter sent by Caltrans on 10.12.16.
Rincon Band of Mission Indians Bo Mazatti, Chairperson Jim McPherson, Tribal Historic Preservation Officer Vincent Whipple, Cultural Resources Department	10/12/2016	10/18/16	None required	10/18/16: Mr. Whipple indicated that the project was outside the Band's traditional use area, and deferred to more local tribes.

Native American Group/Individual	Date of Contact via Letter	Date of Reply	Date of Contact via phone	Summary of Conversation
San Fernando Band of Mission Indians John Valenzuela, Chairperson	10/12/2016	None	12/06/16	12/06/16: Left message for Mr. Valenzuela indicating an AB 52 letter was sent by Caltrans on 10.12.16, and asking him to return the call if he has any comments or concerns about the project.
San Luis Rey Band of Mission Indians San Luis Rey Tribal Council	10/12/2016	None	12/06/16	12/06/16: Left voicemail for Tribal Council, indicating an AB 52 letter was sent by Caltrans on 10.12.16, and asking for comments or concerns about the project.
San Pasqual Band of Mission Indians Allen E. Lawson, Chairperson John Flores, Environmental Coordinator	10/12/2016	None	11/17/16	11/17/16: Left voicemail for Mr. Flores asking to return the call if he has any comments or concerns about the project.
Soboba Band of Luiseno Indians Rosemary Morillo, Chairperson Carrie Garcia, Cultural Resources Manager Joseph Ontiveros, Cultural Resources Director	10/12/2016	None	11/17/16	11/17/16: Mr. Ontiveros indicated that the project was outside the Band's area of interest, and deferred to more local tribes.
Sycuan Band of Kumeyaay Nation Cody J. Martinez, Chairperson Lisa Hawes, Cultural Resources Manager	10/12/2016	None	11/17/16	11/17/16: Ms. Hawes indicated that the project was outside the Band's area of interest, and deferred to more local tribes.
Viejas Band of Kumeyaay Nation Robert J. Welch, Chairperson Julie Hagen	10/12/2016	None	11/17/16	11/17/16: referred to Mr. Randy Sandoval, Jr., who stated he would research the project based on the letter and he would send a letter in reply.

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Biological Opinions

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United States Department of the Interior

U.S. FISH AND WILDLIFE SERVICE

Ecological Services
Carlsbad Fish and Wildlife Office
2177 Salk Avenue, Suite 250
Carlsbad, California 92008



In Reply Refer To:
FWS-OR-17B0314-18I1613

August 30, 2018
Sent by Email

Charles Baker
California Department of Transportation – District 12
1750 East Fourth Street, Suite 100
Santa Ana, California 92705

Subject: Informal Section 7 Consultation for the State Route 133 Widening and Drainage Project,
Orange County, California

Dear Mr. Baker:

This is in response to your letter dated June 12, 2018, requesting our concurrence with your determination that the subject project is not likely to adversely affect the federally threatened coastal California gnatcatcher (*Polioptila californica californica*; gnatcatcher) and the federally endangered least Bell's vireo (*Vireo bellii pusillus*; vireo) in accordance with section 7 of the Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*).

The project is receiving Federal funding through the Federal Highway Administration (FHWA). The California Department of Transportation (Caltrans) is acting as the designated non-Federal representative for FHWA for this consultation in accordance with correspondence from the FHWA California Division Office to the Caltrans Director, dated April 24, 2002.

Project Description

Caltrans, in cooperation with the County of Orange (County), will improve State Route (SR) 133 in both directions from 1,700 feet south of El Toro Road to the SR-133/SR-73 interchange between Post Miles 3.1 and R4.3. The purpose of the proposed project is to facilitate greater roadway safety along SR-133 by improving drainages, widening the shoulders, constructing a bicycle lane, and relocating overhead utilities to underground facilities on SR-133 between the SR-73 and El Toro Road.

The project will result in the temporary loss of 0.07 acre of coastal sage scrub and 0.78 acre of riparian habitat and the permanent loss of 0.11 acre of coastal sage scrub and 1.79 acres of riparian habitat.

On July 10, 1996, we issued a section 10(a)(1)(B) permit to the County as a Participating Landowner to the Central and Coastal Subregion Natural Communities Conservation Plan/Habitat Conservation Plan (NCCP/HCP). The NCCP/HCP established a multiple species conservation program to minimize and mitigate habitat losses and the incidental take of Covered Species, including the gnatcatcher, in association with implementation of Planned Activities addressed by the permit. The NCCP/HCP

focuses on the protection of coastal sage scrub and adjacent habitats. The proposed project is a Planned Activity described in the NCCP/HCP, and as such, both permanent and temporary impacts to coastal sage scrub and the gnatcatcher are addressed by the NCCP/HCP. Therefore, the effects of the project on the gnatcatcher will not be discussed further in this consultation. The vireo is a conditionally covered species under the NCCP/HCP, but the County is not proposing to cover potential project-related impacts to vireo and riparian habitat through the NCCP/HCP. Therefore, Caltrans has proposed measures to offset impacts to riparian habitat as part of the proposed project (see Conservation Measures below).

The project includes four primary components: drainage improvements (Component 1); safety improvements (Component 2); shoulder widening and Class III bike lane (Component 3); and placing overhead utilities underground (Component 4). Component 1 is located in the southbound SR-133 on-ramp loop to the eastbound SR-73, and as currently proposed, consists of a 20-foot wide by 10-foot wide by 200-foot long concrete check dam. Component 2 was previously analyzed in Service consultation FWS-OR-17B0314-17I0983 and will not be discussed further in this consultation. Component 3 will consist of the construction of additional pavement along SR-133 to provide an 8-foot road shoulder and a Class III bike lane in both the northbound and southbound directions from the SR-133/SR-73 interchange to the El Toro Road intersection. Ten maintenance vehicle pullouts/utility company access points, new guardrails and Transportation Management Center detection stations will be installed, and flashing beacons will be relocated. Caltrans has proposed to relocate and reconstruct the existing 3-foot by 5-foot earthen trapezoidal channel with an articulated block channel along the southbound SR-133 from south of the SR-73 interchange to just north of the El Toro Road intersection. Finally, Caltrans has proposed to extend the existing 3-foot by 5-foot reinforced concrete box and construct a drainage transition structure from the articulated block channel to the reinforced block culvert on the southbound side of the SR-133 to just north of the El Toro Road intersection. Component 4 consists of undergrounding of about 21 utility poles on the northbound SR-133 from El Toro Road to the intersection with SR-73. Caltrans will construct joint trench and conduits, transmission vaults, and distribution vaults outside of the traveled roadway and shoulder pavements in the north and southbound directions of SR-133 from south of El Toro Road to the SR-73 interchange.

Components 1 and 3 of the proposed project, in particular the proposed construction of the concrete check dam and articulated block channel, will impact the hydrology of wetland and riparian habitat in the NCCP/HCP Reserve System. In order to be consistent with the NCCP/HCP, the project must be designed and implemented in a manner that maintains the functions and values of the Reserve. Therefore, the County and Caltrans have committed to work with the Service prior to project implementation to ensure that the project is designed and implemented in a manner that will maintain the functions and values of the Reserve by 1) minimizing impacts in the project footprint and ensuring that natural hydrological conditions are maintained to support high-quality riparian habitat upstream and downstream of the project, and 2) preparing a plan for Service review and approval that will offset anticipated impacts to riparian habitat through restoration/enhancement of riparian vegetation in or adjacent to the Reserve (see Conservation Measure 11 below).

Conservation Measures

Caltrans and the County will implement the following conservation measures (CM) to avoid and minimize adverse effects to federally listed species and their habitat. We consider the measures to be a part of the proposed action, and our analysis assumes that they will be implemented.

- CM 1. Protocol surveys will be conducted for the vireo during the breeding season within 1 year prior to the commencement of vegetation clearing and construction activities for the project to ensure that survey information for the project remains up to date. If a vireo breeding territory is observed within 500 feet of the project impact area, the Carlsbad Fish and Wildlife Office (CFWO) will be contacted. Consultation may be reinitiated with the CFWO to address potential direct and/or indirect effects that may occur to these species beyond those addressed in this consultation.
- CM 2. A biologist (Project Biologist)¹ approved by the CFWO will be on site: a) during initial vegetation clearing and grubbing; and b) to conduct pre-construction surveys (i.e., three surveys at least 1 week apart with the last survey conducted within 7 days of project initiation) within 500 feet of the project area if construction activities are proposed during the vireo breeding season (March 15 to September 15). The Project Biologist will be familiar with the habitats, plants, and wildlife in the project area to ensure that issues relating to biological resources are appropriately and lawfully managed. Caltrans will submit the biologist's name, address, telephone number, and work schedule on the project to the CFWO prior to initiating project impacts. The biologist will be provided with a copy of this consultation. The Project Biologist will attend all preconstruction meetings and be present during the removal of any vegetation to ensure that the approved limits of disturbance are not exceeded and provide periodic monitoring of the impact area. If a vireo breeding territory is observed within 500 feet of the project impact area, Caltrans will halt all activities with the potential to adversely affect the vireo and will contact the CFWO to determine if additional consultation is necessary.
- CM 3. The Resident Engineer, in consultation with the Project Biologist, will halt work, if necessary, and confer with CFWO to ensure the proper implementation of species and habitat protection measures. Caltrans will report any non-compliance issue to the CFWO within 1 business day of notification.
- CM 4. Under the supervision of the Project Biologist, the limits of project impacts (including construction staging areas and access routes) will be clearly delineated with bright orange plastic fencing, stakes, flags, or markers that will be installed in a manner that does not impact habitats to be avoided and such that they are clearly visible to personnel on foot and operating heavy equipment. If work occurs beyond the fenced or demarcated limits of impact, all work will cease until the problem has been remedied to the satisfaction of the CFWO. Temporary construction fencing and markers will be maintained in good repair until the completion of project construction and removed upon project completion.

¹ The designated project biologist for this measure should be experienced in vireo biology and ecology.

- CM 5. The Project Biologist will submit a final report to the CFWO within 120 days of project completion including photographs of impact areas and adjacent habitat, documentation that authorized impacts were not exceeded, and documentation that general compliance with all CM was achieved. Raw field notes should be available upon request by the CFWO.
- CM 6. An employee education program will be developed and implemented by the Project Biologist. Each employee (including temporary, contractors, and subcontractors) will receive a training/awareness program prior to working on the proposed project. They will be advised of the potential impact to the listed species and the potential penalties for taking such species. At a minimum, the program will include the following topics: occurrence of the listed and sensitive species in the area (including photographs), their general ecology, sensitivity of the species to human activities, legal protection afforded these species, penalties for violations of Federal and State laws, reporting requirements, and project features designed to reduce the impacts to these species and promote continued successful occupation of the project area.
- CM 7. The clearing and grubbing of native habitats for the project will be conducted between September 1 and February 14 to avoid the vireo breeding season (or sooner than September 1 if the Project Biologist demonstrates to the satisfaction of the CFWO that all nesting is complete).
- CM 8. The 0.78 acre of riparian habitat² temporarily impacted by the project will be revegetated and restored with native species. These areas will be returned to original grade, as feasible. Prior to initiating project impacts, Caltrans will submit the restoration plan to the CFWO for review and approval. The restoration plan will include a minimum 5-year plant establishment period. Temporary impact areas will be planted as soon as possible following re-grading after completion of construction to prevent encroachment by nonnative plants.
- CM 9. To offset the project-related permanent impacts to 1.79 acre of riparian habitat within and adjacent to the Reserve, Caltrans will restore 5.37 acres of riparian habitat suitable for vireo foraging and nesting, or conserve 5.37 acres of riparian habitat suitable for vireo foraging and nesting at a conservation bank. A goal of this measure is to maintain the functions and values of the Reserve, which include the protection and management of unique natural areas like riparian habitat, by focusing restoration or conservation efforts within or adjacent to the Reserve. Prior to project implementation, Caltrans will submit a request for Service review and approval to offset impacts at a conservation bank, or Caltrans will implement the following measures related to the offsite restoration:
- a. Complete a restoration plan that is reviewed and approved by the CFWO and identifies the specific location where the restoration will occur, timeline for implementation, methodology to implement the proposed restoration, and

² The riparian habitat in the project footprint is suitable foraging and nesting habitat for the vireo, but protocol surveys in 2017 did not document vireos within the project footprint.

quantitative performance criteria that will be achieved for the restoration to be determined successful.

- b. Complete a long-term management plan that is reviewed and approved by the CFWO that describes the management actions that will be taken to ensure that the restored habitat is protected and maintained in perpetuity. The long-term management plan will include an estimate of the cost to implement the plan in perpetuity.
- c. Establish an endowment or other funding assurance approved by the CFWO to implement the long-term management plan in perpetuity. The long-term management funds will be held by an organization approved by the CFWO.
- d. Ensure that the restoration site is conserved, either by conducting the restoration on existing conserved land or recording a conservation easement, deed restriction, or other site protection instrument reviewed and approved by the CFWO.

- CM 10. As feasible, native vegetation in temporarily impacted areas will be trimmed at the ground surface, and roots will be left intact to allow for regrowth following project work.
- CM 11. If invasive weed species are already growing within the project area, special care will be taken during transport, use, and disposal of soils containing invasive weed seeds to ensure that invasive weeds are not spread into new areas by the project. All heavy equipment will be washed and cleaned of debris prior to entering a new area to minimize the spread of invasive weeds. Eradication strategies will be implemented should an invasion of nonnative plant species be observed in the project work area by the Project Biologist.
- CM 12. If nighttime construction is necessary, all project lighting (e.g., staging areas, equipment storage sites, roadway) will be selectively placed and directed toward the construction site and away from adjacent habitats. Construction lighting will be of the lowest illumination necessary for safety, and light glare shields will be used to reduce the extent of illumination into adjacent habitats.
- CM 13. Permanent project lighting will be of the lowest illumination necessary for safety and will be directed toward the road and away from sensitive habitats. Light glare shields will be used to reduce the extent of illumination into sensitive habitats. Caltrans will review the permanent lighting plans for the project and then submit them to the CFWO for review and approval.
- CM 14. All equipment maintenance, staging, and dispensing of fuel, oil, coolant, or any other such activities will be restricted to designated disturbed/developed areas. They will be located such that runoff from the designated areas will not enter sensitive habitats.
- CM 15. Appropriate erosion and siltation controls will be installed prior to the onset of vegetation clearing and be maintained in good repair until the completion of project construction.

Erosion and sediment control devices used for the proposed project, including fiber rolls and bonded fiber matrix, will be made from biodegradable materials such as jute, with no plastic mesh, to avoid creating a wildlife entanglement hazard.

- CM 16. A construction Storm Water Pollution Prevention Plan (SWPPP) and soil erosion and sedimentation plan will be developed to minimize erosion and identify best management practices that will be implemented during construction to maintain water quality.
- CM 17. Impacts from fugitive dust will be avoided and minimized through watering and other appropriate measures.
- CM 18. The project site will be kept as clean of debris as possible. Food-related trash items will be kept in enclosed containers and regularly removed from the site.
- CM 19. If fill must be borrowed from, or disposed of offsite, the construction contractor will identify any necessary borrow and disposal sites and provide this information to Caltrans for review. Caltrans will review borrow and disposal site information and submit the information to the CFWO. If borrow or disposal activities may affect a listed species or critical habitat, Caltrans will reinitiate section 7 consultation.
- CM 20. Project personnel will be prohibited from bringing domestic pets to the construction site to ensure that domestic pets do not disturb or depredate wildlife in the adjacent native habitat.

Baseline Conditions

No vireos were detected during four survey visits conducted in June and July of 2016 (Caltrans 2017) or during protocol-level surveys conducted in 2017 (LSA 2017). However, suitable habitat occurs within 500 feet of the project (the area where vireos may be directly or indirectly affected by the project) consisting of southern sycamore riparian woodland, southern black willow forest, and mulefat scrub. In addition, there are two vireo records in the vicinity of the project site. In 2001, a nest with fledglings was detected within willow scrub habitat about 3.5 miles southwest of project. A second record of a breeding pair and a solitary male from 2010 is located approximately 1.1 miles north of the project. Based on suitable habitat within 500 feet of the project, and known records nearby, vireos may colonize habitat in the action area prior to project initiation. To obtain updated information on vireo distribution relative to project impacts, protocol-level surveys will be conducted within 1 year prior to the commencement of vegetation clearing and construction activities.

Effects Analysis

Protocol-level surveys have demonstrated that the project area does not currently support breeding habitat for the vireo. However, individual vireos may disperse through the project impact area during the species annual migration through the region or following fledging, where they may be affected by the loss of riparian habitat. Because the project is within and adjacent to the Reserve and other open space in the City of Laguna Beach, we have determined that sufficient habitat will remain in nearby

natural areas to support dispersal activities that may be affected by the subject project. Therefore, habitat loss associated with the project is anticipated to have an insignificant effect on vireo survival or reproduction. For the purposes of section 7 consultation, an insignificant effect is one that is sufficiently small that a person would not be able to meaningfully measure, detect, or evaluate it.

Because protocol-level surveys have demonstrated the project site is currently unoccupied by the vireo, and Caltrans has committed to conduct additional protocol-level surveys within 1 year prior to the commencement of vegetation clearing and construction activities (i.e., CM 1), the potential for adverse effects to the survival and reproduction of the vireo from project-related activities (e.g., noise, dust, lighting, and predation) is discountable. For the purposes of section 7 consultation, discountable effects are those that are extremely unlikely to occur.

Conclusion

Based on the information provided and the conservation measures that have been incorporated into the proposed project description, we concur with your determination that the proposed project is not likely to adversely affect the vireo. We base our concurrence on the following: 1) protocol surveys for the vireo will be conducted within 1 year prior to project construction to ensure that nesting habitat within territories will not be removed; 2) the riparian habitat that will be impacted is not anticipated to significantly interfere with dispersal behaviors; and 3) construction activities will be modified to limit indirect affects to nearby natural areas. In addition, the project's permanent impacts will be offset by restoration and conservation of habitat approved by the CFWO and temporary impact areas will be restored, which will contribute to the survival and recovery of the species.

Therefore, the interagency consultation requirements of section 7 of the Act have been satisfied. Although our concurrence ends informal consultation, obligations under section 7 of the Act will be reconsidered if new information reveals effects of the agency action that may affect listed species or critical habitat in a manner or to an extent not previously considered or this action is subsequently modified in a manner that was not considered in this assessment.

Conservation Recommendation

The project, as currently proposed, will result in substantial impacts to riparian habitat within and adjacent to the Reserve. While we understand and support the goal of improving safety conditions along SR-133, we recommend working with the Service and other resource agencies to design the project to reduce impacts to the Reserve, which was established to offset the impacts of previous development and infrastructure projects in the County for the benefit of the public. Agency staff can help provide technical recommendations to meet County and City project goals while protecting unique natural resources along SR-133. Our biggest concerns include the proposed articulated block concrete channel and concrete check dam, which will permanently remove habitat within the project footprint and has the potential to negatively impact upstream and downstream hydrology. We recommend facilitating a meeting with the resource agencies and County and City staff to discuss alternative designs and engineering solutions to meet the important project goals.

Thank you for your coordination on this project. If you have any questions regarding this letter, please contact Colleen Draguesku of this office at 760-431-9440, extension 241.

Sincerely,

for Karen A. Goebel
Assistant Field Supervisor

cc:

Kedest Ketsela, California Department of Transportation
Simona Altman and Kyle Rice, California Department of Fish and Wildlife
Stacy Blackwood and Jennifer Naegele, OC Parks
Jennifer Shook, Orange County Public Works
Jim Sulentich, Natural Communities Coalition

LITERATURE CITED

- [Caltrans] California Department of Transportation. 2017. Biological assessment for the SR-133 safety improvement project at El Toro Road. City of Laguna Beach, Orange County, California. January 2017
- LSA Associates, Inc. 2017. Southwestern willow flycatcher and least Bell's vireo protocol survey results: SR-133 Widening and Drainage Improvement Project in the City of Laguna Beach, County of Orange, California. July 19, 2017



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
Carlsbad Fish and Wildlife Office
2177 Salk Avenue, Suite 250
Carlsbad, California 92008



In Reply Refer To:
FWS-OR-17B0314-17I0983

August 31, 2017
Sent by email

Charles Baker
California Department of Transportation
District 12
1750 East Fourth Street, Suite 100
Santa Ana, California 92705

Subject: Informal Section 7 Consultation for the State Route 133 Safety Improvement Project,
Orange County, California

Dear Mr. Baker:

This is in response to your letter dated April 11, 2017, requesting our concurrence with your determination that the subject project is not likely to adversely affect the federally threatened coastal California gnatcatcher (*Polioptila californica californica*; gnatcatcher) and the federally endangered least Bell's vireo (*Vireo bellii pusillus*; vireo) in accordance with section 7 of the Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*).

The project is receiving Federal funding through the Federal Highway Administration (FHWA). The California Department of Transportation (Caltrans) is acting as the designated non-Federal representative for FHWA for this consultation in accordance with correspondence from the FHWA California Division Office to the Caltrans Director, dated April 24, 2002.

Project Description

Caltrans will extend the acceleration lane on State Route 133 (SR-133) 600 feet northbound from El Toro Road, extend the acceleration lane 900 feet southbound from El Toro Road, reassign the exclusive right-turn lane to an optional right/left turn lane on westbound El Toro Road, and construct a new culvert immediately west of SR-133. Including temporary impacts and other construction activities, the project spans roughly 1,700 feet south to 1,200 feet north of the SR-133/El Toro Road intersection in the City of Laguna Beach, Orange County, California. The purpose of this project is to eliminate the existing lane drop in the northbound direction, extend the second lane in the southbound direction, provide for a standard lane drop length, and improve lane assignment from El Toro Road onto SR-133. These improvements are expected to reduce collision rates at this location.

The project will result in the temporary loss of 0.03 acre of upland and 0.19 acre of riparian habitat and the permanent loss of 0.04 acre of upland and 0.28 acre of riparian habitat within both the County of Orange Central and Coastal Subregion Natural Communities Conservation Plan/Habitat Conservation Plan (HCP) Reserve system (Reserve) and Caltrans' right of ways.

Caltrans will acquire a new right of way from OC Parks within the Reserve in order to construct the project. To ensure that the project does not result in a net loss of Reserve acreage or function and thus is consistent with the HCP, OC Parks has committed to add to the Reserve habitat that is of equivalent to or greater than the habitat removed from the Reserve, both in terms of acreage and habitat quality. This boundary modification¹ to the Reserve must be completed prior to project implementation for the project to be consistent with the HCP.

As described above, the project includes the construction of a new culvert. The effects of the construction of the culvert are described in the effects analysis and conclusion of this informal consultation. However, maintenance of the culvert may be needed in future, by Caltrans or another agency, but activities related to maintenance are not proposed or known at this time. Future maintenance of the culvert, and potential effects to listed species from these activities, are not covered by this informal consultation and will be addressed at the time of proposed activities.

Conservation Measures

Caltrans will implement the following conservation measures (CM) to avoid and minimize adverse effects to federally listed species and their habitat. We consider the measures to be a part of the proposed action, and our analysis assumes that they will be implemented.

- CM 1. Protocol surveys will be conducted for the gnatcatcher and vireo during the breeding season within 1 year prior to the commencement of vegetation clearing and construction activities for the project to ensure that survey information for the project remains up to date. If a vireo breeding territory is observed within 500 feet, or a gnatcatcher breeding territory is observed within 300 feet of the project impact area, the Carlsbad Fish and Wildlife Office (CFWO) will be contacted. Consultation may be reinitiated with the CFWO to address potential direct and/or indirect effects that may occur to these species beyond those addressed in this consultation.
- CM 2. A biologist (Project Biologist)² approved by the CFWO will be on site: 1) during initial vegetation clearing and grubbing; 2) to conduct pre-construction surveys within 500 feet of the project area if construction activities are proposed during the gnatcatcher or vireo breeding season (February 15 to August 15 and March 15 to September 15, respectively); and 3) to conduct weekly monitoring of occupied habitat during the breeding season to ensure compliance with all conservation

¹ A boundary amendment to the Reserve will be addressed through a minor amendment to the HCP. Minor amendments include, but are not limited to, combinations of adding and removing land from the Reserve System that result in no net loss of Reserve System acreage and no long-term net loss of subregional habitat value.

² The designated project biologist for this measure should be experienced in gnatcatcher and vireo biology and ecology.

measures. The Project Biologist will be familiar with the habitats, plants, and wildlife in the project area to ensure that issues relating to biological resources are appropriately and lawfully managed. Caltrans will submit the biologist's name, address, telephone number, and work schedule on the project to the CFWO prior to initiating project impacts. The biologist will be provided with a copy of this consultation. The Project Biologist will attend all preconstruction meetings and be present during the removal of any vegetation to ensure that the approved limits of disturbance are not exceeded and provide periodic monitoring of the impact area.

- CM 3. The Resident Engineer, in consultation with the Project Biologist, will halt work, if necessary, and confer with CFWO to ensure the proper implementation of species and habitat protection measures. Caltrans will report any non-compliance issue to the CFWO within one business day of notification.
- CM 4. The Project Biologist shall ensure that resident gnatcatchers are not directly killed or injured during vegetation removal activities. Gnatcatchers may be passively flushed out of the work area by the biological monitor in the direction of coastal sage scrub adjacent to the project site as vegetation is cleared for the project work.
- CM 5. For any work proposed within 500 feet of vireo or 300 feet of gnatcatcher occupied habitat during the gnatcatcher or vireo nesting seasons, gnatcatcher and vireo occupied habitats shall be delineated by orange biological fencing to ensure that no work shall occur within gnatcatcher and vireo occupied habitats. In addition, onsite noise reduction/attenuation techniques shall be incorporated, as appropriate to avoid impacts to gnatcatcher and vireo from elevated construction noise levels during the breeding season. Noise monitoring will be implemented by the biological monitor during the breeding season to ensure that elevated construction noise levels are appropriately attenuated at the edge of occupied habitat to a level that is not expected to adversely affect nesting bird behavior (i.e., not to exceed an hourly average of 60 dBA or above existing ambient levels whichever is greater, at the edge of occupied habitat).
- CM 6. Under the supervision of the Project Biologist, the limits of project impacts (including construction staging areas and access routes) will be clearly delineated with bright orange plastic fencing, stakes, flags, or markers that will be installed in a manner that does not impact habitats to be avoided and such that they are clearly visible to personnel on foot and operating heavy equipment. If work occurs beyond the fenced or demarcated limits of impact, all work will cease until the problem has been remedied to the satisfaction of the CFWO. Temporary construction fencing and markers will be maintained in good repair until the completion of project construction and removed upon project completion.
- CM 7. All pile driving for the project that will occur 300 feet of gnatcatcher and 500 feet of vireo occupied habitat will be conducted between September 1 and February 14 to avoid the gnatcatcher and vireo breeding season (or sooner than September 1 if the Project Biologist demonstrates to the satisfaction of the CFWO that all nesting is

complete) and to minimize construction noise impacts to nesting gnatcatchers and vireos.

- CM 8. The Project Biologist will submit a final report to the CFWO within 120 days of project completion including photographs of impact areas and adjacent habitat, documentation that authorized impacts were not exceeded, and documentation that general compliance with all CM was achieved. Raw field notes should be available upon request by the CFWO.
- CM 9. An employee education program will be developed and implemented by the Project Biologist. Each employee (including temporary, contractors, and subcontractors) will receive a training/awareness program prior to working on the proposed project. They will be advised of the potential impact to the listed species and the potential penalties for taking such species. At a minimum, the program will include the following topics: occurrence of the listed and sensitive species in the area (including photographs), their general ecology, sensitivity of the species to human activities, legal protection afforded these species, penalties for violations of Federal and State laws, reporting requirements, and project features designed to reduce the impacts to these species and promote continued successful occupation of the project area.
- CM 10. The clearing and grubbing of native habitats for the project will be conducted between September 1 and February 14 to avoid the gnatcatcher and vireo breeding season (or sooner than September 1 if the Project Biologist demonstrates to the satisfaction of the CFWO that all nesting is complete).
- CM 11. The 0.03 acre of upland and 0.19 acre of riparian habitat temporarily impacted by the project will be revegetated and restored with native species. These areas will be returned to original grade, as feasible. Prior to initiating project impacts, Caltrans will submit the plant palette to the CFWO for review and approval. A minimum 5-year plant establishment period will be implemented, including exotic species removal and re-application of native seed and/or replanting of container plants as necessary. Artificial water will be turned off for at least 2 years prior to completion of the plant establishment period. The CFWO will have approval authority over the success of the restoration area. Temporary impact areas will be planted as soon as possible following re-grading after completion of construction to prevent encroachment by nonnative plants.
- CM 12. To offset the project-related permanent impacts to 0.28 acre of riparian and 0.04 acre of upland habitat, Caltrans will restore 0.84 acres of riparian and 0.12 acres of upland habitat. Prior to project implementation, Caltrans will implement the following measures related to the offsite restoration:
- a. Complete a restoration plan that is reviewed and approved by the CFWO and identifies the specific location where the restoration will occur, timeline for implementation, methodology to implement the proposed restoration, and

quantitative performance criteria that will be achieved for the restoration to be determined successful.

- b. Complete a long-term management plan that is reviewed and approved by the CFWO that describes the management actions that will be taken to ensure that the restored habitat is protected and maintained in perpetuity. The long-term management plan will include an estimate of the cost to implement the plan in perpetuity.
- c. Establish an endowment or other funding assurance approved by the CFWO to implement the long-term management plan in perpetuity. The long-term management funds will be held by an organization approved by the CFWO (e.g., Orange County Parks Foundation).
- d. Ensure that the restoration site is conserved, either by conducting the restoration on existing conserved land or recording a conservation easement, deed restriction, or other site protection instrument reviewed and approved by the CFWO.

CM 13. As feasible, native vegetation in temporarily impacted areas will be trimmed at the ground surface, and roots will be left intact to allow for regrowth following project work.

CM 14. If invasive weed species are already growing within the project area, special care will be taken during transport, use, and disposal of soils containing invasive weed seeds to ensure that invasive weeds are not spread into new areas by the project. All heavy equipment will be washed and cleaned of debris prior to entering a new area to minimize the spread of invasive weeds. Eradication strategies will be implemented should an invasion of nonnative plant species be observed in the project work area by the Project Biologist.

CM 15. If nighttime construction is necessary, all project lighting (e.g., staging areas, equipment storage sites, roadway) will be selectively placed and directed toward the construction site and away from adjacent habitats. Construction lighting will be of the lowest illumination necessary for safety, and light glare shields will be used to reduce the extent of illumination into adjacent habitats.

CM 16. Permanent project lighting will be of the lowest illumination necessary for safety and will be directed toward the road and away from sensitive habitats. Light glare shields will be used to reduce the extent of illumination into sensitive habitats. Caltrans will review the permanent lighting plans for the project and then submit them to the CFWO for review and approval.

- CM 17. All equipment maintenance, staging, and dispensing of fuel, oil, coolant, or any other such activities will be restricted to designated disturbed/developed areas. They will be located such that runoff from the designated areas will not enter sensitive habitats.
- CM 18. Appropriate erosion and siltation controls will be installed prior to the onset of vegetation clearing and be maintained in good repair until the completion of project construction. Erosion and sediment control devices used for the proposed project, including fiber rolls and bonded fiber matrix, will be made from biodegradable materials such as jute, with no plastic mesh, to avoid creating a wildlife entanglement hazard.
- CM 19. A construction Storm Water Pollution Prevention Plan (SWPPP) and soil erosion and sedimentation plan will be developed to minimize erosion and identify best management practices that will be implemented during construction to maintain water quality.
- CM 20. Impacts from fugitive dust will be avoided and minimized through watering and other appropriate measures.
- CM 21. The project site will be kept as clean of debris as possible. Food-related trash items will be kept in enclosed containers and regularly removed from the site.
- CM 22. If fill must be borrowed from, or disposed of offsite, the construction contractor will identify any necessary borrow and disposal sites and provide this information to Caltrans for review. Caltrans will review borrow and disposal site information and submit the information to the CFWO. If borrow or disposal activities may affect a listed species or critical habitat, Caltrans will reinitiate section 7 consultation.
- CM 23. Project personnel will be prohibited from bringing domestic pets to the construction site to ensure that domestic pets do not disturb or depredate wildlife in the adjacent native habitat.

Baseline Conditions

No vireos were detected during four survey visits conducted in June and July of 2016 (Caltrans 2017). However, suitable habitat occurs within 500 feet of the project (the area where vireos may be directly or indirectly affected by the project) consisting of southern sycamore riparian woodland, southern black willow forest, and mulefat scrub. In addition, there are two vireo records near the project site. In 2001, a nest with fledglings was detected within willow scrub habitat about 3.5 miles southwest of project. A second record of a breeding adult from 2011 is located approximately 1.5 miles north of the project. Based on suitable habitat within 500 feet of the project, and known records nearby, vireos may colonize habitat in the action area prior to project initiation. Surveys conducted for the project in 2016 occurred at the end of the breeding season and did not completely follow Service protocol. To obtain updated information on vireo distribution relative to project

impacts, protocol-level surveys will be conducted within 1 year prior to the commencement of vegetation clearing and construction activities.

Suitable habitat for the gnatcatcher occurs within 300 feet of the project (the area where gnatcatchers may be directly or indirectly affected by the project) consisting of maritime chaparral sagebrush, California sagebrush and California buckwheat scrub. Habitat that would be directly affected by the project is marginally suitable because it is small (0.04 acre), patchy, and subject to ongoing noise and disturbance from SR-133. Habitat outside the direct disturbance area but within 300 feet of the project provides higher quality foraging and nesting habitat for the gnatcatcher. Gnatcatchers were detected during four of the nine surveys conducted in July through September 2016 for the project. A pair of juveniles was detected on two different visits; a single juvenile was detected on a separate visit; and a brief call was heard on another visit. All observations occurred on separate survey dates, in different locations throughout the action area, and all were outside of the project limits of disturbance. All detections were considered to be dispersing juveniles (i.e., passing through the area). The presence of dispersing gnatcatchers suggests that adult breeding pairs are present near the project and that scrub habitat within the action area is currently being used as dispersing habitat. Furthermore, there are 18 records of gnatcatchers within approximately 5 miles of the project, including observations of adult breeding pairs, fledglings, juveniles, and nests. All of these records occur within sage scrub habitat that is contiguous with habitat in the project area. Therefore, it is likely that suitable nesting habitat occurs within 300 feet of the project, and all life stages of gnatcatchers could be indirectly affected by project activities. Protocol-level surveys will be conducted within 1 year prior to the commencement of vegetation clearing and construction activities to obtain updated information on gnatcatcher distribution relative to project impacts.

Protocol-level surveys for pacific pocket mouse (*Perognathus longimembris pacificus*) were conducted within 300 feet of the project in July 2016. No pacific pocket mice were captured during the live-trapping survey. As such, the pacific pocket mouse is considered absent from the action area, and Caltrans determined that the project would have no effect on the species.

Effects Analysis

Habitat Loss

A majority of project-related impacts would occur in low-quality habitat for the gnatcatcher and vireo along the edge of the road. Because the habitat is degraded by ongoing operation of SR-133, we do not consider the habitat within the impact area to be high-quality nesting habitat, but it may provide for gnatcatcher and vireo foraging and dispersal.

In addition, the narrow, linear patches of habitats that would be impacted adjacent to the road represent at most a small portion of any gnatcatcher or vireo territory. Protocol-level surveys will be conducted within 1 year prior to the commencement of vegetation clearing and construction activities to ensure that nesting habitat within a breeding territory will not be removed during construction. Because of the small size of the anticipated impacts and the impacts will be confined to degraded patches of habitat, we have determined that sufficient habitat will remain to support essential breeding, feeding, and sheltering behaviors. Therefore, habitat loss associated with the

project is anticipated to have an insignificant effect on gnatcatcher and vireo survival or reproduction. For the purposes of section 7 consultation, an insignificant effect is one that is sufficiently small that a person would not be able to meaningfully measure, detect, or evaluate it.

A CFWO-approved biologist will be present to ensure that resident gnatcatchers are not directly killed or injured during vegetation removal activities. Gnatcatchers may be passively flushed out of the work area in the direction of coastal sage scrub adjacent to the project site as vegetation is cleared for the project work. In the context of this project, this low-level flushing activity during the non-breeding season is considered an avoidance and minimization measure that has an insignificant effect on individual gnatcatchers and does not rise to the level of take as defined by the Act.

Indirect Effects

Indirect impacts may occur to gnatcatchers and vireos as a result of noise, night lighting, introduction of invasive species, erosion, sedimentation, and human encroachment. Noise and vibration associated with the use of mechanized equipment during construction has the potential to disrupt gnatcatcher and vireo breeding, foraging, and sheltering behaviors in adjacent habitat by masking intraspecific communication and startling birds (e.g., see Dooling and Popper 2007 for a discussion of observed effects of highway noise on birds). Caltrans will implement conservation measures to avoid and minimize indirect effects associated with the project, including restricting pile driving within 300 feet of gnatcatcher-occupied habitat and 500 feet of vireo-occupied habitat to outside the gnatcatcher and vireo breeding season. In addition, gnatcatchers and vireos at this location are adjacent to a roadway with existing moderate traffic, so they are already exposed to high ambient noise and human activity levels. In consideration of the baseline conditions, disruptions from the proposed construction are anticipated to be insignificant.

Construction lighting also has the potential to affect gnatcatchers and vireos. Light that alters natural light patterns in ecosystems can lead to increased predation, disorientation, and disruption of inter-specific interactions (Longcore and Rich 2004). Conservation measures have been incorporated into the project to ensure lighting is directed away from biologically sensitive areas. These measures will reduce potential lighting impacts to gnatcatchers and vireos to the level of insignificance.

The project has also incorporated measures to prevent the introduction and spread of invasive species and to minimize construction erosion, sedimentation, and human encroachment into the adjacent habitat. With the proposed conservation measures, any increase in habitat degradation associated with these factors will be insignificant.

Conclusion

Based on the information provided and the conservation measures that have been incorporated into the proposed project description, we concur with your determination that the proposed project is not likely to adversely affect the gnatcatcher and vireo. We base our concurrence on the following:

- 1) protocol surveys for the gnatcatcher and vireo surveys will be conducted within 1 year prior to project construction to ensure that nesting habitat within territories will not be removed;
- 2) vegetation removal will be conducted outside the gnatcatcher and vireo breeding seasons;
- 3) the small extent of foraging and dispersal habitat for the gnatcatcher and vireo that will be impacted is

not anticipated to significantly interfere with essential breeding, feeding, or sheltering behaviors; and 4) construction activities will be modified to limit noise, night lighting, introduction of invasive species, dust, erosion, sedimentation, and predation to gnatcatchers and vireos that may occur in the project vicinity such that we anticipate any potential effects to these species will be insignificant in that they would be too small to meaningfully measure. In addition, the project's permanent impacts will be offset by restoration and conservation of habitat approved by the CFWO, and temporary impact areas will be restored, which will contribute to the survival and recovery of these species.

Therefore, the interagency consultation requirements of section 7 of the Act have been satisfied. Although our concurrence ends informal consultation, obligations under section 7 of the Act will be reconsidered if new information reveals effects of the agency action that may affect listed species or critical habitat in a manner or to an extent not previously considered or this action is subsequently modified in a manner that was not considered in this assessment.

Thank you for your coordination on this project. If you have any questions regarding this letter, please contact Colleen Draguesku of this office at 760-431-9440, extension 241.

Sincerely,

for Karen A. Goebel
Assistant Field Supervisor

cc:

Christine Beck and Simona Altman, California Department of Fish and Wildlife
Stacy Blackwood and Jennifer Naegele, OC Parks
Jim Sulentic, Natural Communities Coalition

LITERATURE CITED

- [Caltrans] California Department of Transportation. 2017. Biological assessment for the SR-133 safety improvement project at El Toro Road. City of Laguna Beach, Orange County, California. January 2017
- Dooling, R. J. and A. N. Popper. 2007. The effects of highway noise on birds. Prepared by Environmental BioAcoustics LLC for the California Department of Transportation, Sacramento, California. 74 pp.
- Longcore, T. and C. Rich. 2004. Ecological light pollution. *Front Ecological Environment* 2:191-198.

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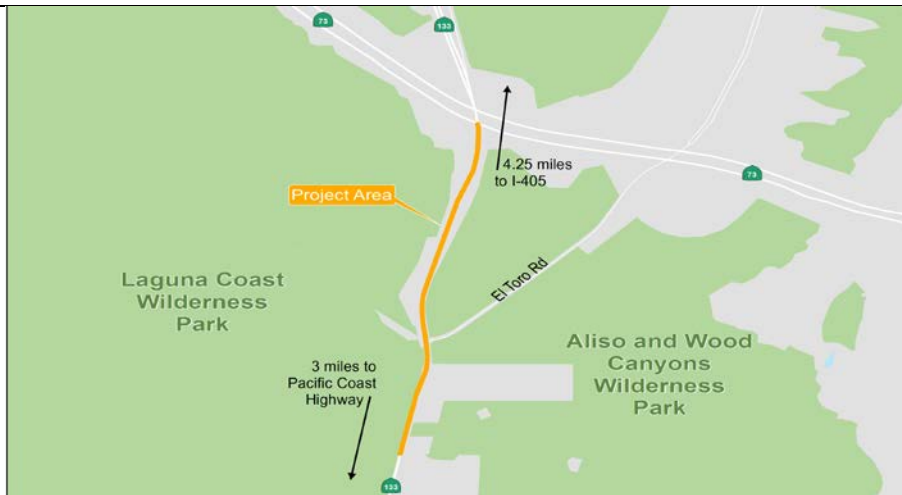
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PUBLIC NOTICE

State Route 133 Improvement Project

Notice of Intent to Adopt a Mitigated Negative Declaration Notice of Availability of an Initial Study/Environmental Assessment Study Results Available Announcement of Public Hearing (Open House Format)



WHAT'S BEING PLANNED?	<p>The California Department of Transportation (Caltrans) District 12, in cooperation with the County of Orange, proposes to make improvements to State Route (SR) 133 in both directions from just south of El Toro Road to SR-73 between Post Miles 3.1 and R4.1 in Laguna Beach. The project will make drainage improvements, widen the shoulders, add a Class II Bike Lane, and underground overhead utilities. The project also includes safety improvements from 1,700 feet (ft) south of El Toro Road to 1,200 ft north of El Toro Road.</p> <p>The proposed work will encroach upon wetlands (minimal) and a floodplain. The project is being evaluated to ensure all practical measures are taken to minimize harm to the wetlands and floodplain.</p>
WHY THIS AD?	<p>Caltrans has studied the effects this project may have on the environment. Our studies show it will not significantly affect the quality of the environment. The report that explains why is called an Initial Study/Environmental Assessment (IS/EA). This notice is to tell you of the preparation of the proposed Mitigated Negative Declaration (MND) and IS/EA and of its availability for your review. A public hearing (open house format) will be held to give you an opportunity to discuss certain design features of the proposed project with Caltrans staff before the final project design is selected.</p>
WHAT'S AVAILABLE	<p>The proposed MND and IS/EA and other project information are available for review and copying (for a fee) at the Caltrans District 12 Office, 1750 East 4th Street, Suite 100, Santa Ana, CA 92705, on weekdays from 8:00 a.m. to 5:00 p.m. The proposed MND and IS/EA are also available for review at the following locations during normal business hours:</p> <ul style="list-style-type: none"> • Laguna Beach Library, 363 Glenneyre Street, Laguna Beach, CA 92651 • Laguna Woods Village Library, 24266 Calle Aragon, Laguna Woods, CA 92637 <p>In addition, the documents are available online at: http://www.dot.ca.gov/d12/DEA/133/0P94U (web address is case-sensitive, use capital letters as indicated)</p>
WHERE YOU COME IN	<p>Do you have any comments about processing the project with a proposed MND and IS/EA? Do you disagree with the findings of our study as set forth in the proposed MND? Would you care to make any other comments on the project? Please submit your comments in writing no later than 5:00 pm, July 10, 2018 to Edward Dolan, Associate Environmental Planner, Caltrans District 12, Division of Environmental Analysis, 1750 East 4th Street, Suite 100, Santa Ana, CA 92705 or via e-mail to D12.SR133@dot.ca.gov. The date we will begin accepting comments is June 11, 2018. If there are no major objections, Caltrans will proceed with the project's design.</p>
WHEN & WHERE?	<p>A public hearing (open house format) will be held:</p> <p>Date: June 27, 2018 Time: 5:00 p.m. to 7:00 p.m. Place: Laguna Beach High School Library 625 Park Avenue, Laguna Beach, CA 92651</p> <p>Served by: Laguna Beach Transit Buses, OCTA Routes 1 and 89</p>
CONTACT	<p>Individuals who require special accommodation (American Sign Language interpreter, accessible seating, documentation in alternate formats, etc.) are requested to contact Edward Dolan at (657) 328-6152 at least 21 days prior to the scheduled hearing date, or use California Relay Service, 1 (800) 735-2929 (TTY), 1 (800) 735-2922 (voice). For more information about this study or any other transportation matter, call Van Nguyen at District 12's Public Information Office at (657) 328-6363 or e-mail at Van.Nguyen@dot.ca.gov</p>

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Join us at a Public Hearing (Open House Format)

Acompáñenos en una audiencia pública (formato de casa abierta)

June 27, 2018



SR-133 (Laguna Canyon Road) Improvement Project

What's Being Planned?

The California Department of Transportation (Caltrans) District 12, in cooperation with the County of Orange, proposes to make improvements to State Route 133 (SR-133) in both directions from just south of El Toro Road to the SR-73 in the City of Laguna Beach. The project would construct drainage improvements, widen the shoulders, add a Class II Bike Lane, underground overhead utilities and provide other safety improvements along the project area.

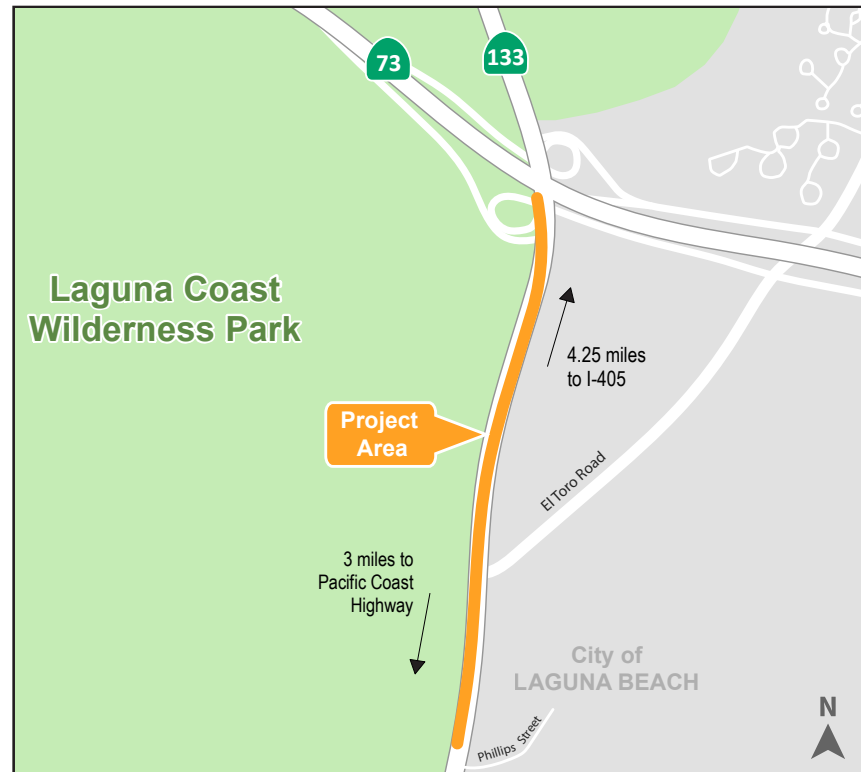
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SR-133 (Laguna Canyon Road) Improvement Project

Join us at a Public Hearing - June 27, 2018

(Open House Format)



Meeting Details

Wednesday, June 27, 2018
5:00 p.m. to 7:00 p.m.

Laguna Beach High School Library
625 Park Ave
Laguna Beach, CA 92651

Served by: Laguna Beach Transit Buses,
OCTA Route 1, and OCTA Route 89

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Do you have any comments about processing the project with a proposed MND and IS/EA? Do you disagree with the findings of our studies as set forth in the proposed MND? Would you care to make any other comments on the project? Please submit your comments in writing no later than **5pm, July 10, 2018** to:



Edward Dolan
Associate Environmental Planner
Caltrans District 12, Division of Environmental Analysis
1750 East 4th Street, Suite 100
Santa Ana, CA 92612-8894



D12.SR133@dot.ca.gov



Caltrans District 12
Division of Environmental Analysis
1750 East 4th Street, Suite 100
Santa Ana, CA 92612-8894

Para obtener más información en español o interpretación en la audiencia pública, comuníquese con Edward Dolan al (657) 328-6152 por lo menos 21 días antes de la fecha de la audiencia pública. Para más información sobre este estudio o cualquier otro asunto de transporte, llame a la Oficina de Información Pública del Distrito 12 al (657) 328-6363 o envíe un correo electrónico a Van Nguyen en van.nguyen@dot.ca.gov.

STATE OF CALIFORNIA,)
) ss.
County of Orange)

Date: June 11, 2018

Signature: Sandra Campos

The Orange County Register
2190 S. Towne Centre Place
Anaheim, CA 92806
(714) 796-2209

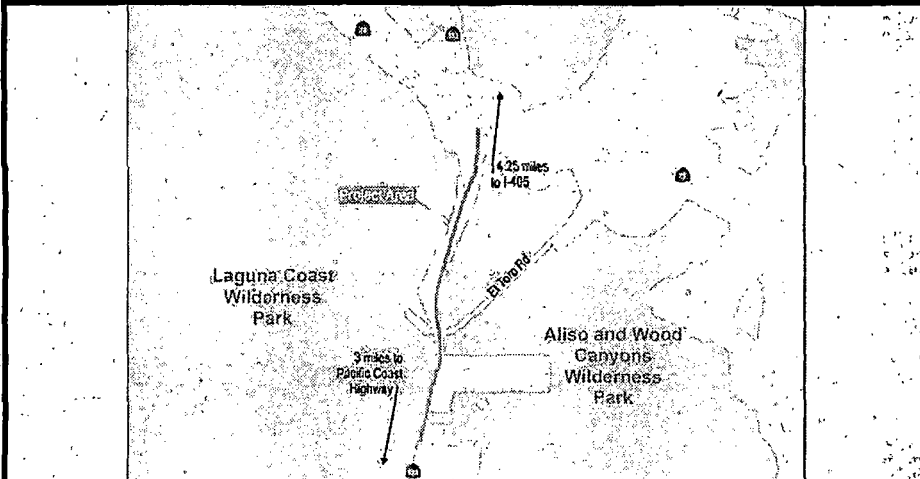
PROOF OF PUBLICATION





PUBLIC NOTICE

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WHEN & WHERE?:

A public hearing (open house format) will be held:

Date: June 27, 2018
Time: 5:00 p.m. - 7:00 p.m.
Place: Laguna Beach High School Library
625 Park Ave., Laguna Beach, CA 92651

Served by: Laguna Beach Transit Buses, OCTA Routes 1 and 89

Contact: Individuals who require special accommodation (American Sign Language interpreter, accessible seating, documentation in alternate formats, etc.) are requested to contact Edward Dolan at (657) 328-6152 at least 21 days prior to the scheduled hearing date, or use California Relay Service, 1 (800) 735-2929 (TTY), 1 (800) 735-2922 (voice). For more information about this study or any other transportation matter, call Van Nguyen at District 12's Public Information Office at (657) 328-6363 or e-mail at Van.Nguyen@dot.ca.gov

949.415.4310 Laguna Playhouse Youth Theatre presents Storybook Summer Camp

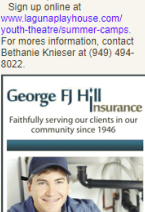
Children ages seven and eight can now sign up for an exceptionally creative two-week experience this July at the Laguna Playhouse Youth Theatre Storybook Summer Camp. Classes meet in the morning, Monday through Thursday, July 9 to 19 from 9:30 - 11:30 a.m.



Click on photo for a larger image
Photo by Jeff Hurlbut
The Playhouse caters to young audiences too (this photo taken last year)

Students will learn and explore the fun in acting, writing, storytelling and performing in a story created together in class. Using traditional fairytales as a story structure platform, students will share their favorite characters, story events (contemporary or traditional), and the class will help shape their own play with characters, scenes, plot, conflict, climax and resolution. Students will perform for parents, siblings and friends on the last day of class. The class is limited to 10 students. The instructor is Erin Sawyer, Assistant Instructors are Molly Cohn and Faith Ackley. The class fee is \$225. Partial Scholarships are also available. Sign up online at www.lagunaplayhouse.com/youth-theatre/summer-camps. For more information, contact Bethanie Knieser at (949) 494-8022.

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approval. The commission's meeting was organized by the California Coastal Commission amendment to a previously issued Coastal Development Permit and requires approval of a restoration plan.

A lengthy staff report refuses the grounds on which Fudge based his appeal: Insufficient notice of the Planning Commission meeting
Categorical exemption from California Environmental Quality Act requirements
Non-compliance with the city's General Plan, including six specific policies
No consultation with other agencies interested in the project

Failure to consider a recent court decision which defined the scope of the project and required further work to be subject to CEQA.

Staff claims in its report that the grounds for the appeal are speculative and unfounded. The report further states that Fudge provided no proof that the Planning Commission erred or abused its discretion in approving the plan.

A commission decision is presumed to be reasonably valid and not an abuse. The council does not conduct a de novo hearing - Latin for starting from scratch - and does not weigh evidence or independently judge the evidence.

Appellants must demonstrate that the lower body did not conduct itself in the manner required by law and/or that decision is not supported by substantial evidence on record. The council will not overturn the decision unless it determines that an error or abuse of discretion would probably have resulted in a different outcome.

Council options include denying the appeal and sustaining the Planning Commission's approval of the proposed restoration plan, granting the appeal and denying approval of the restoration plan or granting the appeal and sending the plan back to the commission with directions on its determination.



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For more information about this study please call Van Nguyen at District 12's Public Information Office at (657) 328-6363 or e-mail at Van.Nguyen@dot.ca.gov



Well Done: Support for proposed drinking water tax dries up in Sacramento

By BARBARA DIAMOND

Laguna Beach County Water District officials were gratified to learn on Friday that support for a proposed statewide tax on drinking water had evaporated.

The tax was officially abandoned by Gov. Jerry Brown and state legislative leaders as part of a compromise on the state budget. Lawmakers and Brown's office scrapped the "Safe and Affordable Drinking Water Tax" and proposed in its stead a \$28.5 million fund for testing and emergency relief for contaminated wells and septic tanks, according to district officials.

"Although we completely support getting safe and reliable water to the users, proposing a tax on drinking water was the wrong solution to solve a key social problem," said Renae Hinchey, general manager of the district. "A tax on drinking water works against keeping water affordable in California and opens the door to additional state taxes on future water bills."



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READERS POLL

Will you vote in favor of a one-cent sales tax increase from 7.75 percent to 8.75 percent, to help fund the undergrounding of utilities on Laguna Canyon Road and other evacuation routes, should it end up on the ballot in November?

- ☐ Yes
☐ No
☐ I am undecided on the issue

Vote

Past Polls

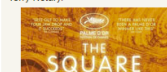
Thank you for your vote.

Join Laguna Art Museum for a movie night and screening of The Square

On Thursday, June 21, Laguna Art Museum will present a movie night and screening The Square. The award-winning 2017 drama salarizes the contemporary art world.

In the movie, a prestigious Stockholm museum's chief art curator finds himself in times of both professional and personal crisis as he attempts to set up a controversial new exhibit.

The film was written and directed by Ruben Ostlund and stars Claes Bang, Elisabeth Moss, Dominic West, and Terry Notary.



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Ranch

PAGE 1

Tuesday, June 12, consisted of residents Mark and Sharon Fudge arguing against the Planning Commission’s April approval of the Ranch’s creek restoration plans, which were previously approved by the California Coastal Commission.

City planner Scott Drapkin said the Planning Commission made the same findings as the Coastal Commission and concluded that “the removal of invasive species and the planting of native riparian habitat would improve the existing Aliso Creek.” He called the Fudges’ grounds for appealing “speculative and unfounded.”

Mr. Fudge found fault with the city’s noticing of the hearing and its compliance with an array of environmental and planning regulations as well as a recent court decision. An Orange County Superior Court judge ruled in Fudge’s favor and found that the city illegally allowed the Ranch to transform a girl scout camp on the property into an event venue without environmental review.

Contesting the restoration plan is the latest chapter in Fudge’s ongoing efforts to block Ranch improvements. Fudge said on Tuesday that he’s “not against restoring” the property, but he feels that city staff

did a “substandard job” in analyzing and presenting the project.

Local Mark Christy received approval for the expansion and remodel of the Ranch’s existing hotel, restaurant, banquet and golf course facility off Coast Highway in 2014. Fudge’s historic home sits on a bluff above Aliso Canyon and the Ranch, and since that initial 2014 approval he has repeatedly contested renovations at the Ranch.

Before making his case Tuesday, Fudge asked that Council member Toni Iseman consider recusing herself from voting on the appeal, citing remarks she made at a May 1 Council meeting, which he felt showed a bias toward Christy.

Fudge played a recording of the meeting on his phone, with Iseman saying, “We thought we were doing Mark Christy a favor when we let him go through the easy way, and it cost him a fortune. We have people that we know and love that we would like to make things easy, and some of them are in the room right now, and they need to look at the lesson of that and recognize that we need to do things so right, that nobody can come back and challenge them and cost them months or years or millions of dollars...”

Iseman said she would “happily” recuse herself despite the misinterpretation of her comments.

Mayor Kelly Boyd asked for legal advice.

Asst. City Attorney Ajit Thind said he didn’t think recusal was necessary and felt Iseman’s comments “intended to make sure that all projects go through the process fairly and that the process is done adequately to ensure environmental issues are reviewed properly.”

Fudge ended up withdrawing the accusation of bias, saying he accepted the explanation.


Fudge argued that the Planning Commission “simply rubber stamped a coastal permit” in April and failed to apply their own standards.

Kurt Bjorkman, Ranch general manager, rebuffed Fudge’s characterization.

Restorations plans, which involve removal of woody vegetation and invasive species and replanting of native vegetation along the banks of Aliso Creek, have been undertaken in consultation with state authorities to preserve the wildlife corridor, Bjorkman said.


Ultimately, Drapkin told the Council that city staff, the Coastal Commission, and a team of biologists have reviewed the project thoroughly and are confident in the approval.

The Council rejected Fudge’s allegation of an abuse of discretion by the Planning Commission in approving the Ranch restoration plans.



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Study Results Available
Announcement of Public Hearing (Open House Format)



WHAT'S BEING PLANNED? The California Department of Transportation (Caltrans) District 12, in cooperation with the County of Orange, proposes to make improvements to State Route (SR) 133 in both directions from just south of El Toro Road to SR-73 between Post Miles 3.1 and R4.1 in Laguna Beach. The project will make drainage improvements, widen the shoulders, add a Class II Bike Lane, and underground overhead utilities. The project also includes safety improvements from 1,700 feet (ft) south of El Toro Road to 1,200 ft north of El Toro Road. The proposed work will encroach upon wetlands (minimal) and a floodplain. The project is being evaluated to ensure all practical measures are taken to minimize harm to the wetlands and floodplain.

WHY THIS AD? Caltrans has studied the effects this project may have on the environment. Our studies show it will not significantly affect the quality of the environment. The report that explains why is called an Initial Study/Environmental Assessment (IS/EA). This notice is to tell you of the preparation of the proposed Mitigated Negative Declaration (MND) and IS/EA and of its availability for your review. A public hearing (open house format) will be held to give you an opportunity to discuss certain design features of the proposed project with Caltrans staff before the final project design is selected.

WHAT'S AVAILABLE? The proposed MND and IS/EA and other project information are available for review and copying (for a fee) at the Caltrans District 12 Office, 1750 East 4th Street, Suite 100, Santa Ana, CA 92705, on weekdays from 8:00 a.m. to 5:00 p.m. The proposed MND and IS/EA are also available for review at the following locations during normal business hours:

- Laguna Beach Library, 363 Glenneyre Street, Laguna Beach, CA 92651
- Laguna Woods Village Library, 24266 Calle Aragon, Laguna Woods, CA 92637

In addition, the documents are available online at: <http://www.dot.ca.gov/d12/DEA/133/OP94U> (web address is case-sensitive, use capital letters as indicated)

WHERE YOU COME IN: Do you have any comments about processing the project with a proposed MND and IS/EA? Do you disagree with the findings of our study as set forth in the proposed MND? Would you care to make any other comments on the project? Please submit your comments in writing no later than **5:00 pm, July 10, 2018** to Edward Dolan, Associate Environmental Planner, Caltrans District 12, Division of Environmental Analysis, 1750 East 4th Street, Suite 100, Santa Ana, CA 92705 or via e-mail to D12.SR133@dot.ca.gov. The date we will begin accepting comments is **June 11, 2018**. If there are no major objections, Caltrans will proceed with the project's design.

WHEN & WHERE?:	A public hearing (open house format) will be held: Date: June 27, 2018 Time: 5:00 p.m. - 7:00 p.m. Place: Laguna Beach High School Library 625 Park Ave., Laguna Beach, CA 92651 <small>Served by: Laguna Beach Transit Buses, OCTA Routes 1 and 89</small>
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CONTACT: Individuals who require special accommodation (American Sign Language interpreter, accessible seating, documentation in alternate formats, etc.) are requested to contact Edward Dolan at (657) 328-6152 at least 21 days prior to the scheduled hearing date, or use California Relay Service, 1 (800) 735-2929 (TTY), 1 (800) 735-2922 (voice). For more information about this study or any other transportation matter, call Van Nguyen at District 12's Public Information Office at (657) 328-6363 or e-mail at Van.Nguyen@dot.ca.gov



Police enhanced an image taken from a surveillance camera during a home-invasion robbery in Laguna Beach.

Robbery

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last took place in town in 2014 when a couple asleep in their Aca-cia Drive home were bound, gagged and robbed. Those suspects are still at large, Calvert said, though racial differences rule them out as suspects in the current incident.

He said police are “surprised to see the level of sophistication” employed by the suspects who invaded the occupied home, though he declined to identify a point of entry. “The suspects were outfitted in full tactical gear,” Calvert said, from their fingertips to their toes.

An image police released of surveillance video taken from the woman’s bedroom shows one of the robbers wearing a close-fitting hooded mask, what looks like a body armor vest over military style shirt and pants, and a holstered pistol. The most visible facial feature is a prominent nose, Calvert said.

The robbery suspects spent 30 minutes ransacking the house and told the victim they were seeking drugs and money. They made off with cash and three weapons, though Calvert declined to provide specifics about what was taken.

The victim, who was bound in an unspecified way and was uninjured, was able to call police and provide a physical description of the bandits. Calvert expressed sympathy for the victim having to endure a crime he described as “heinous” and carried out by “predators.”

Investigators have not determined if the suspects had a reason to target the victim.

Calvert urged residents to keep aware of their surroundings and consider use of surveillance equipment.

Investigators are hoping neighbors might provide additional information about the suspects, such as a vehicle description.

Police are seeking the public’s help in identifying the two suspects.

PHOTOS COURTESY OF LB POLICE



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