Chapter 3 Comments and Coordination

Early and continuing coordination with the general public and appropriate public agencies is an essential part of the environmental process. It helps planners to determine the necessary scope of environmental documentation, the level of analysis required, and identify potential impacts, mitigation measures, and related environmental requirements. Agency consultation and public participation for this project have been accomplished through a variety of formal and informal methods, including monthly Project Development Team (PDT) meetings, interagency coordination meetings, and consultation with interested parties. This chapter summarizes the results of the California Department of Transportation's (Department's) efforts to fully identify, address, and resolve project-related issues through early and continuing coordination (see Table 3-1).

Table 3-1 Summary of Consultation and Coordination Activities

Timing	Activity
August 2009	**United States Fish and Wildlife Service (USFWS) Consultation.** An LSA Associates, Inc. (LSA) biologist sent a request letter on behalf of the Department on August 31, 2009, to USFWS for the List of Proposed, Threatened, and Endangered Species and Critical Habitats that could be in the vicinity of the proposed project.
September 2009	**USFWS Consultation.** An LSA biologist received a response letter from the USFWS on September 28, 2009, with the List of Proposed, Threatened, and Endangered Species and Critical Habitats that occur in the vicinity of the proposed project.
October 21, 2009	**South Central Coastal Information Center (SCCIC) Records Search.** The records search was conducted by personnel of the California Historical Resources Information System (CHRIS), located at California State University, Fullerton. It included a review of all recorded historic and prehistoric archaeological sites within a 0.25 mi radius of the APE as well as a review of known cultural resource survey and excavation reports. In addition, the following inventories were examined: • National Register of Historic Places • California Register of Historical Resources • California Historical Landmarks • California Points of Historical Interest • Caltrans Historic Highway Bridge Inventory
December 2009	**Native American Consultation.** The following Native American tribes, groups, and individuals were contacted via a letter sent by certified mail on December 7, 2009: • Juaneño Band of Mission Indians, Acjachemen Nation, David Belardes, Chairperson; Joyce Perry responded for the group (see below). • Juaneño Band of Mission Indians, Anita Espinoza; Ms. Espinoza responded that the area is very sensitive and recommends monitoring by an archaeologist. She requests that she be notified of any discoveries. • Juaneño Band of Mission Indians, Alfred Cruz; Mr. Cruz responded that he knows of a lot of sites in that area, and it is very sensitive. He recommends monitoring by a Native American and an archaeologist and he can provide monitoring during construction of the project. • United Coalition to Protect Panhe (UCPP), Rebecca Robles; Ms. Robles requested that an email be sent and she would respond to that. An email was sent on January 21, 2010. No response has been received.

Table 3-1 Summary of Consultation and Coordination Activities

Timing	Activity
	• Juaneño Band of Mission Indians, Adolph "Bud" Sepulveda; No response received. • Juaneño Band of Mission Indians, Acjachemen Nation, Joyce Perry; Ms. Perry requested that an archaeologist and Native American monitor be present during all ground disturbance. She also requested that a meeting be arranged early in the year to discuss sites they may know about. • Juaneño Band of Mission Indians, Sonia Johnston; No response received.
December 2009	**Native American Consultation.** The Native American Heritage Commission (NAHC) was contacted in November 19, 2009. In a letter dated December 1, 2009, Dave Singleton of the NAHC responded that the records search of the Sacred Lands File indicated the presence of Native American cultural resources in the project area. The NAHC recommended that seven individuals, all from the same tribe, that may have knowledge of cultural resources in the project area be contacted.
December 2009	**Historical Resources Consultation.** The following repositories, sources, and persons were consulted in the process of preparing the Historical Resource Evaluation Report: • City of San Clemente, Community Development Department, Building Division. Research conducted in November 2009. • City of Dana Point. Building permit research conducted by Windy Robles, City Clerk Specialist, November 2009. • City of Dana Point, Community Development Department, Planning Division. Email communication with Evan Langan, Associate Planner, on December 16, 2009. • Orange County Archives. Accessed online in October and December 2009. • Dana Point Public Library. Telephone conversation with the Information Desk staff person on December 17, 2009. • San Clemente Public Library. Telephone conversation with the Information Desk staff person on December 17, 2009. • Faith Lutheran Church. Email correspondence sent October 2, 2009. No response received. • Armet Davis Newlove Architects. Email correspondence sent December 16, 2009. Email response received December 23, 2009. • San Clemente High School. Telephone conversation with the school librarian in October 2009. • Capistrano Unified School District. Telephone conversation with Carol Schwimmer, Staff Secretary, on December 17, 2009. • Capistrano Unified School District. Voicemail message left for Cary Brockman, Planning Director, on December 17, 2009. No response received. • Historical Los Angeles Times. Accessed through the Los Angeles Public Library online databases in October and December 2009. • City of San Clemente Community Development Department, Jennifer Gates, Planning Division. Letter mailed December 2, 2009. No response received. • City of San Juan Capistrano Community Development Department, Teri Delcamp, Historic Preservation Manager. Letter mailed December 2, 2009. Email correspondence conducted in January and February 2010. • San Juan Capistrano Historical Society. Letter mailed December 2, 2009. No response received. • San Clemente Historical Society, Raad Ghantous, Preservation Chair. Letter mailed December 2, 2009. No response received. • Dana Point Historical Society, Carlos Olvera, President. Letter mailed December 2, 2009. No response received. • Orange County Historical Society, Greg Rankin, President. Letter mailed December 2, 2009. No response received. • Orange County Historical Commission, Griselda Castillo. Letter mailed December 2, 2009. No response received. • Historical aerial photographs. • Sanborn Fire Insurance maps.

Table 3-1 Summary of Consultation and Coordination Activities

Timing	Activity
	• United States Geological Survey (USGS) topographic maps. • Caltrans Historic Highway Bridge Inventory.
January 2010	**Native American Consultation.** Additional contact with each group/individual was attempted by telephone on January 21, 2010. Ms. Robles requested that an email with the project information be sent and she would respond to that. An email was sent on January 21, 2010, and no response has been received. Mr. Cruz responded on January 22, 2010, that he knows of a lot of sites in that area, and it is very sensitive. He recommends monitoring by a Native American and an archaeologist, and he can provide monitoring during construction of the project.
February 2010	**Native American Consultation.** A second attempt to contact individuals not reached by the first call was made by telephone on February 12, 2010. Ms. Espinoza responded that the area is very sensitive and recommends monitoring by an archaeologist. She requests that she be notified of any discoveries.
February 2010	**United States Army Corps of Engineers and California Department of Fish and Game Consultation.** The Natural Environment Study (NES) and Jurisdictional Delineation (JD) reports determined that there are drainage features within the Biological Study Area subject to the jurisdiction of the United States Army Corps of Engineers (ACOE) and the California Department of Fish and Game (CDFG). As a result, the proposed project is expected to require permits from regulatory agencies, including CDFG (pursuant to Section 1602 of the California Fish and Game Code), the ACOE (pursuant to Section 404 of the Clean Water Act [CWA]), and the Regional Water Quality Control Board (RWQCB) (pursuant to Section 401 of the CWA). The Department will continue consultation with the ACOE and CDFG. The final compensatory mitigation program is expected to adequately offset project-related jurisdictional impacts by providing "No Net Loss" of wetland and riparian habitats. Federal Section 7 consultation between the Department and the USFWS and Section 2080 authorization with CDFG are not currently expected to be necessary for the I-5 HOV Lane Extension Project.
May 2010	At the request of Ms. Joyce Perry, the representative for the Juañeno Band of Mission Indians, Acjachemen Nation, a meeting was arranged to discuss sites which the tribe may know of. The requested meeting was held on May 18, 2010, with Mr. Belardes, Chairperson of the Acjachemen Nation. After viewing the project area of potential effects (APE) maps with known cultural resources plotted on them, Mr. Belardes concluded that the APE was completely disturbed and any archaeological site remnants would likely be in a redeposited context. He retracted the monitoring recommendation but requested that the Tribe be notified immediately of any discoveries.
September 2010	Informal consultation with Sally Brown of USFWS – field meeting.
November 10. 2010	SHPO concurred that the 16 properties discovered as a result of the field surveys were not eligible for listing on the National Register of Historic Places, and as a result, the proposed project received a Finding of No Historic Properties Affected. (Please see Appendix B, Correspondence, for a copy of this letter).
January 14, 2011	State agencies were notified via the State Clearinghouse regarding the public review period. The transmittal letter from the State Clearinghouse is provided at the end of Appendix B, Correspondence. Refer to Section 3.1.3 for a discussion of the public review process.
January 14, 2011	OCTA distributed soundwall survey letters to affected property owners.
March 28, 2011	The Department received a Notice of Exemption from the City of Dana Point stating that the proposed project is exempt from coastal development permits. (Please see Appendix B, Correspondence, for a copy of this letter).
June 23, 2011	USFWS concurred with the determination that the I-5 HOV Lane Extension Project is not likely to adversely affect the federally endangered least Bell's vireo and the federally threatened coastal California gnatcatcher and its designated critical habitat in accordance with Section 7 of the Endangered Species Act of 1973, as amended (see Appendix B, correspondence).

Table 3-1 Summary of Consultation and Coordination Activities

Timing	Activity
July 12, 2011	The Department, OCTA, and the consultant team attended meeting with counsel from Lyon Property Management group regarding sound barrier 4-16.
August 23, 2011	Concurrence received from FHWA on Air Quality Conformity Report. (Please see Appendix B, Correspondence, for a copy of this letter.)
August 26, 2011	Federal Consistency Determination received from CCC concurring with the Negative Determination of the project impacts to the coastal zone.

Sources: Archaeological Survey Report (May 2010); Historical Resources Evaluation Report (May 2010); Natural Environment Study (August 2010); Jurisdictional Delineation Report (August 2010), Supplemental NES (September 2010)

3.1 Consultation and Coordination with Agencies

3.1.1 Project Team Coordination

3.1.1.1 Project Development Team (PDT) Meetings

A Project Development Team (PDT) was identified to ensure collaborative communication among the stakeholders, which includes representatives from OCTA, Caltrans, City of Dana Point, City of San Clemente, City of San Juan Capistrano, and the Transportation Corridor Agencies (TCA). PDT meetings have been scheduled on a monthly basis from inception of the PA/ED phase of the project in June 2009. The purpose of these meetings is to discuss project-specific issues and work together to ensure that the proposed project meets the purpose and need and that these issues do not conflict with any plans, policies, or regulations. On July 8, 2011, the PDT selected Alternative 4 with Design Option A as the Preferred Alternative.

3.1.1.2 Value Analysis Workshops

A Value Analysis (VA) was conducted from September 21 through September 25, 2009, during the early stages of the Project Approval/Environmental Document (PA/ED) phase. The VA team included members from various Department functional units (including traffic, environmental, maintenance, hydraulics, design, construction, and structures construction) as well as the Cities of San Clemente, Dana Point, and San Juan Capistrano to review the recommendations that were developed.

After reviewing the alternatives, the following VA recommendations were discussed:

1. Reduce the width of the high-occupancy vehicle (HOV) buffer
2. Eliminate buffer separation between HOV lanes and mixed-flow lanes
3. Reduce inside shoulder width in select areas to preserve existing soundwalls

4. Reduce cross-sectional width of Interstate 5 (I-5) (HOV buffer and shoulder width) in lieu of replacing the Via California Structure
5. Retain existing structure at Avenida Pico and widen to the west only
6. Revise project limits to stop HOV extension prior to Avenida Pico interchange

The first recommendation was rejected. There would be no cost savings by providing a 1-foot (ft) buffer separation versus a no-buffer scenario (as proposed by the second recommendation).

The second recommendation was accepted. This recommendation proposed to allow continuous ingress and egress throughout the project limits pending the results from the California Department of Transportation (Department) District 12 final report on the demonstration project for continuous access HOV lanes on State Route 22 (SR-22) and State Route 55 (SR-55). This would help to minimize impacts due to the reduced mainline cross-section. This recommendation was incorporated into Alternative 4.

The third recommendation was accepted. A minor reduction in shoulder widths (approximately 2 ft) would be needed in order to preserve existing soundwalls between Pacific Coast Highway and Camino de Estrella. This recommendation was incorporated into Alternative 4.

The fourth recommendation was accepted. The cross-section of northbound (NB) I-5 would need to be reduced to fit within the existing 80 ft between Bent 3 and 4 of the structure. In order to do this, the inside shoulder and HOV buffer would have to be eliminated for a short distance. This recommendation has been incorporated into Alternatives 2 and 4.

The fifth recommendation was rejected. This recommendation would not be able to accommodate the necessary improvements to Avenida Pico and would not be compatible with future improvements planned for the interchange.

The sixth recommendation was rejected. This recommendation would not be able to accommodate the necessary improvements to Avenida Pico and would not be compatible with future improvements planned for the interchange.

3.1.1.3 Native American Consultation

In November 2009, LSA staff consulted with the Native American Heritage Commission (NAHC) and requested a search of the sacred lands file and a list of

individuals/organizations that may have knowledge of cultural resources in the area. In its December 1, 2009, correspondence, the NAHC responded that there were Native American cultural resources or sacred sites within the project area. The NAHC identified the following individuals and tribal associations:

- Juaneño Band of Mission Indians, Acjachemen Nation: David Belardes, Chairperson
- Juaneño Band of Mission Indians: Anita Espinoza
- Juaneño Band of Mission Indians: Alfred Cruz, Cultural Resources Coordinator
- United Coalition to Protect Panhe (UCPP): Rebecca Robles
- Juaneño Band of Mission Indians: Adolph 'Bud' Sepulveda
- Juaneño Band of Mission Indians, Acjachemen Nation: Joyce Perry
- Juaneño Band of Mission Indians: Sonia Johnston, Chairperson.

Ms. Perry responded for the Acjachemen Nation on January 5, 2010. Ms. Perry requested that an archaeologist and Native American monitor be present during all ground disturbance. She also requested that a meeting be arranged early in the year to discuss sites they may know about. The requested meeting was held on May 18, 2010, with Mr. Belardes, Chairperson of the Acjachemen Nation. After viewing the project area of potential effects (APE) maps with known cultural resources plotted on them, Mr. Belardes concluded that the APE was completely disturbed and any archaeological site remnants would likely be in a redeposited context. He retracted the monitoring recommendation but requested that the Tribe be notified immediately of any discoveries.

No responses were received from the other Native Americans contacted. Contact with each group/individual was attempted by telephone on January 21, 2010. Ms. Robles requested that an email with the project information be sent and she would respond to that. An email was sent on January 21, 2010, and no response has been received. Mr. Cruz responded on January 22, 2010, that he knows of a lot of sites in that area, and it is very sensitive. He recommends monitoring by a Native American and an archaeologist, and he can provide monitoring during construction of the project.

A second attempt to contact individuals not reached by the first call was made by telephone on February 12, 2010. Ms. Espinoza responded that the area is very sensitive and recommends monitoring by an archaeologist. She requests that she be

notified of any discoveries. Additional details of the Native American consultation, including letters sent and received as part of the consultation process, can be found in the *Historical Property Survey Report* (HPSR) Attachment E.

3.1.2 Historical Resources Consultation

In December 2009, LSA staff sent letters to the San Juan Capistrano Historical Society, the San Clemente Historical Society, the Dana Point Historical Society, the Orange County Historical Society, and the Orange County Historical Commission. No responses were received.

3.1.3 Public Participation

3.1.3.1 Public Information Meeting

OCTA hosted an informal public information open house on March 29, 2010, from 6:00 p.m. to 8:00 p.m., at the San Clemente Community Center (Ole Hanson Room) at 100 N. Calle Seville in the City of San Clemente. The public was informed about the meeting through newspaper advertisements (please see public notice on the following page), resident mailing and the OCTA, Caltrans, City of San Clemente, City of Dana Point, and City of San Juan Capistrano websites. A total of 36 people (not including staff) attended this meeting. The purpose of the open house was to discuss the need, type, and scopes of studies planned for the proposed project and to hear the public's concerns. Because this was an informal meeting, comment cards were not provided; any attendees wanting more information or having more questions were advised to contact OCTA. The primary concern identified at the open house was related to traffic congestion and traffic noise. The overall public response to the project was positive, and most attendees were supportive of the alternatives presented. There were several questions about soundwalls, and most residents in attendance wanted to know if they would be getting a new wall or if existing walls would be removed as part of the project. Several of the residents in attendance were interested in knowing if the project would require any right-of-way acquisition on their property.

Attendees were advised to attend the public hearing when the Draft Environmental Document is circulated in early 2011. Meeting attendees were also advised to review and comment on the Draft Environmental Document when it is circulated. Consideration of both Title VI of the Civil Rights Act and the Department's policy on Environmental Justice was made during preparation of this public meeting.

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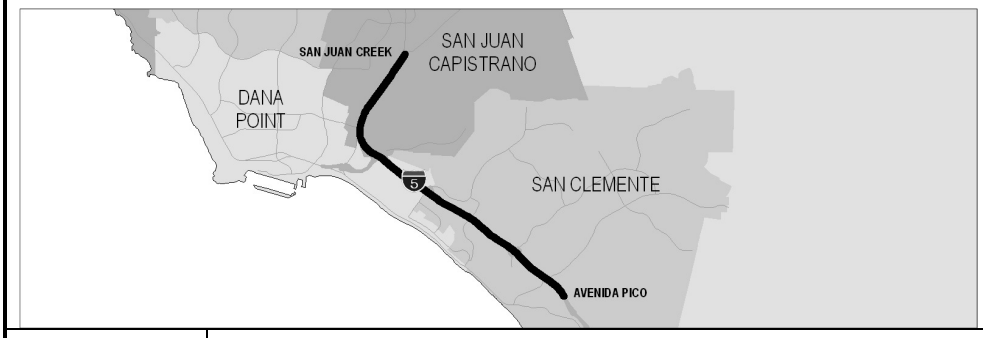
PUBLIC NOTICE

Draft Initial Study/Environmental Assessment
Notice of Public Information Open House

I-5 High Occupancy Vehicle (HOV) Lane Extension Project



WHAT'S BEING PLANNED?	The Orange County Transportation Authority (OCTA), in cooperation with the California Department of Transportation (Caltrans), and the cities of San Clemente, Dana Point, and San Juan Capistrano, is proposing the addition of one carpool lane in each direction from Avenida Pico (PM 3.0) to San Juan Creek Road (PM 8.7). The addition of carpool lanes provides continuity to the I-5 carpool network. The additional lane is planned to be generally within the current freeway limits and is accomplished by limited widening and re-striping along the freeway. The project will minimize weaving where the current carpool lanes end and maintain travel speeds for carpool lane users. The project provides intermittent auxiliary lanes, where needed, to relieve congestion at diverge and merge locations; minimizes right-of-way acquisition; relieves congestion within interchange areas, on- and off-ramps, and at local intersections (including Avenida Pico); and reduces congestion on I-5 within the project limits.
WHY THIS AD?	The project team is in the process of environmental and engineering studies for the project. This notice is to inform you of a public information open house that is scheduled to discuss the proposed project and the alternatives that will be studied. General project information including alternatives, the environmental process, schedule and other display information will be available.
WHERE YOU COME IN	You are invited to the Public Information Open House about the I-5 HOV Lane Extension Project. The purpose of the public information open house is to provide you with information regarding the proposed project and the issues to be studied in the Initial Study/Environmental Assessment.
WHEN & WHERE?	**Date: Monday, March 29, 2010** **Time: 6:00 pm to 8:00 pm** **Place: San Clemente Community Center (Ole Hanson Room)** **100 N. Calle Seville, San Clemente, CA**
CONTACT	For more information about this study or any transportation matter, call Tresa Oliveri, OCTA External Affairs staff at (714) 560-5374. Individuals who require special accommodation (American Sign Language interpreter, accessible seating, documentation in alternate formats, etc.) are requested to contact Caltrans District 12, Attn: Scott Shelley (949) 724-2705 at least 14 days prior to the scheduled meeting date. TDD users may contact the California Relay Service TTY line at either 711 or (800)735-2929 or contact the voiceline at (800)735-2922.

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3.1.3.2 Soundwall Survey

On January 14, 2011, a soundwall survey letter was sent by mail to the residents potentially benefited by SB Nos. 4-1, 4-7, 4-11, 4-15, and 4-16. This survey requested each owner's opinion on whether or not they would prefer a soundwall, and for SB Nos. 4-1, 4-7, and 4-16, if they would be willing to donate their ROW in order to make the soundwall reasonable. It should be noted that refinements were made to SB No. 4-9 since circulation of the Draft IS/EA. At the 14 ft height, the original construction cost for SB 4-9 was extremely close to meeting the reasonableness allowance. For this reason, the team revisited the approximate length of the wall to determine whether it could be slightly more refined while still being feasible for the same number of benefited residences. At the conclusion of this analysis, it was found that the cost of SB No. 4-9 at the refined length was under the reasonableness allowance and could be further considered. Therefore, on May 2, 2011, a soundwall survey was sent to the residents potentially benefited by SB No. 4-9. As a result of responses collected for these surveys, it was determined that SB Nos. 4-1, 4-7, and 4-11 will not be built and SB Nos. 4-9 and 4-15 will be built.

To make a determination on SB No. 4-16, extensive coordination took place with the property owner and management, Lyon Management Group. A soundwall survey letter was sent as described previously to request the owner's opinion on the proposed soundwall. Upon receiving the survey, Lyon Management Group's legal representation sent a letter (included in Appendix K) requesting additional information on the project and a meeting with project staff. Representatives from the management company were encouraged to attend the public hearing on January 31, 2011 to ask questions. Following attendance at the public hearing, a second letter was received (included in Appendix K), again requesting further information on the project and a meeting with project staff. In an effort to do due diligence for the public outreach for this soundwall, a meeting was held with the property management on July 12, 2011. The meeting was attended by representatives from the Department, OCTA, the consultant team, Lyon Management Group, and their respective legal representatives. At this meeting, staff from the Department, OCTA, and the consultant team answered questions about the proposed project and the soundwall proposed at the property. A field walk was done with all meeting attendees to view the potential location for the soundwall. At the end of the meeting, the Department informed Lyon Management Group and their legal representative that their soundwall survey response would still be accepted, provided it was sent as soon as possible. They were further informed that if the survey was not received, it would indicate that

they were not in favor of the soundwall. Since no survey response has been received after this coordination effort, there is no indication that the property owner and management are in favor of SB No. 4-16 so it has been removed from further consideration and will not be built. However, this is part of the preliminary noise abatement decision, which may be subject to change during the design phase.

The preliminary noise abatement decision presented in this report is based on preliminary project alignments and profiles, which may be subject to change during design phase. As such, the physical characteristics of noise abatement described herein may also be subject to change. The final decision of noise abatement is made during final design. The public will be notified of the final location and height of noise abatement during final design.

3.1.3.3 Public Circulation of the Draft Initial Study/Environmental Assessment

Public circulation of the Draft IS/EA began on January 14, 2011, for a 30-day review period. On February 9, 2011, a letter was sent to the State Clearinghouse stating that the public review period would be extended 15 days to February 27, 2011 (see Appendix B, Correspondence, for a copy of this letter).

As required by CEQA Guidelines Section 15072, a Notice of Intent (NOI) to adopt an MND and availability of Initial Study (and Notice of Public Hearing) was filed with the Orange County Clerk and the State Clearinghouse on January 14, 2011. Printed copies and compact discs of the Draft IS/EA were mailed to the Responsible Agencies and other agencies and were made available for public review at the following locations:

- Department District 12
  3347 Michelson Dr., Suite 100
  Irvine, CA 92612
- San Clemente Public Library
  242 Avenida del Mar
  San Clemente, CA 92672
- Dana Point Public Library
  33841 Niguel Road
  Dana Point, CA 92629
- San Juan Capistrano Public Library
  31495 El Camino Real

San Juan Capistrano, CA 92675

The document was also available online at:
http://www.dot.ca.gov/dist12/files/I5HOV/I-5_HOV.htm

A Notice of Public Hearing was distributed on January 14, 2011, to notify the public about the January 31, 2011, public hearing and availability of the Draft IS/EA for the 30-day public comment period (please see public notice on the following page). The public hearing was held from 6:00 p.m. to 8:00 p.m. at the City of San Clemente offices at 910 Calle Negocio, 2nd Floor, San Clemente, CA 92673 and attended by 67 members of the public. Two comments were recorded by the court reporter; all other comments were submitted via comment cards. Issues raised by the public included increases in noise level/sound barriers, visual impacts, and property values. Representatives from the Department District 12, OCTA, the environmental consultant team (LSA Associates, Inc.), the public outreach consultant (Arellano and Associates), and the Cities of San Clemente, Dana Point and San Juan Capistrano also attended the hearing.

In addition, OCTA and their consultants attended City Council meetings for the City of San Juan Capistrano, City of Dana Point, and City of San Clemente on January 18, January 24, and March 15, respectively. The team also attended a Planning Commission meeting for the City of San Clemente on February 16. At each meeting, a presentation was given on the proposed alternatives and questions were answered. The Cities of San Juan Capistrano, Dana Point, and San Clemente all supported Alternative 4 as the Preferred Alternative. At the March 15th San Clemente City Council meeting, the Council recommended Design Option B as their locally preferred alternative. Subsequent to this meeting, several bicycle activists presented concerns about Design Option B requiring a weave into the striped bicycle lane and, as a result, at the April 5th City Council meeting, the Council changed their preference to Design Option A.

Following the City Council meetings, the Department went through a rigorous process to verify the adequacy of Design Option A to provide sufficient improvement at the I-5/Avenida Pico interchange. This included meeting with several City staff, City Manager, Mayor, councilmembers, and the bicycle activist group. At the end of these discussions, though they initially supported the selection of Design Option B, The Department made the decision to support the selection of Design Option A as part of the Preferred Alternative since it is the City of San Clemente's locally preferred alternative and both Design Option A and Design Option B ultimately meet

the project purpose and need and provide operational improvement to the interchange. OCTA is also in support of the selection of Design Option A as part of the Preferred Alternative.

The Cities of San Clemente, Dana Point, and San Juan Capistrano support the selected of Alternative 4 (with Design Option A) as the Preferred Alternative.

PUBLIC NOTICE

Notice of Intent to Adopt a Mitigated
Negative Declaration/Finding of No Significant Impact
Study Results Available
Announcement of Public Hearing

I-5 High-Occupancy Vehicle (HOV) Lane Extension Project

WHAT'S BEING PLANNED?	The California Department of Transportation (Caltrans) in cooperation with the Orange County Transportation Authority (OCTA), and the cities of San Clemente, Dana Point, and San Juan Capistrano, is proposing the addition of one carpool lane in each direction from Avenida Pico (PM 3.0) to San Juan Creek Road (PM 8.7). The addition of carpool lanes provides continuity to the I-5 carpool network. The additional lane is planned to be generally within the current freeway limits and is accomplished by limited widening and re-striping along the freeway. The project will minimize weaving where the current carpool lanes end and maintain travel speeds for carpool lane users. The project provides intermittent auxiliary lanes, where needed, to relieve congestion at diverge and merge locations; minimizes right-of-way acquisition; relieves congestion within interchange areas, on- and off-ramps, and at local intersections (including Avenida Pico); and reduces congestion on I-5 within the project limits.
WHY THIS AD?	The Department has studied the effects this project may have on the environment. Our studies show it will not significantly affect the quality of the environment. This notice is to tell you of the preparation of the proposed Mitigated Negative Declaration/Finding of No Significant Impact and Initial Study/Environmental Assessment and of its availability for you to read. A public meeting will be held to give you an opportunity to talk about certain design features of the project with Department staff before the final design is selected. The tentative schedule for the purchase of land for right of way and construction will be discussed.
WHAT'S AVAILABLE	Maps for the proposed Mitigated Negative Declaration/Finding of No Significant Impact and Initial Study/Environmental Assessment and other project information are available for review and copying (for a fee) at the Department District 12 Office, 3347 Michelson Dr., Suite 100, Irvine, CA 92612 on weekdays from 8:00 a.m. to 5:00 p.m. The proposed Mitigated Negative Declaration/Finding of No Significant Impact and Initial Study/Environmental Assessment is also available for review during regular business hours at: San Clemente Public Library, 242 Avenida del Mar, San Clemente, CA 92672 from Monday through Thursday, 10:00 a.m. to 9:00 p.m., Friday and Saturday, 10:00 a.m. to 5:00 p.m., and Sunday 12:00 p.m. to 5:00 p.m. Dana Point Public Library, 33841 Niguel Road, Dana Point, CA, 92629 from Monday through Wednesday, 10:00 a.m. to 9:00 p.m., Thursday, 10:00 a.m. to 6:00 p.m., Friday and Saturday 10:00 a.m. to 5:00 p.m., and Sunday 12:00 p.m. to 5:00 p.m. San Juan Capistrano Public Library, 31495 El Camino Real, San Juan Capistrano, CA, 92675 from Monday through Wednesday 10:00 a.m. to 8:00 p.m., Thursday 10:00 a.m. to 6:00 p.m., Saturday 10:00 a.m. to 5:00 p.m., and Sunday 12:00 p.m. to 5:00 p.m. And online at: http://www.dot.ca.gov/dist12/files/I5HOV/I-5_HOV.htm

WHERE YOU COME IN	Do you have any comments about processing the project with a Mitigated Negative Declaration/Finding of No Significant Impact and the Initial Study/Environmental Assessment? Do you disagree with the findings of our study as set forth in the proposed Mitigated Negative Declaration/Finding of No Significant Impact? Would you care to make any other comments on the project? Please submit your comments in writing no later than February 12, 2011 to Caltrans District 12 Office, 3347 Michelson Dr., Suite 100, Irvine, CA 92612-8894 (Attn: Scott Shelley) or e-mail to: **I5HOV_Pico2PCH@dot.ca.gov**. The date we will begin accepting comments is January 14, 2011. If there are no major comments, Caltrans will proceed with the project's design.
WHEN & WHERE?	**Date: Monday, January 31, 2011** **Time: 6:00 pm to 8:00 pm** **Place: City of San Clemente Offices** **910 Calle Negocio, 2nd Floor, San Clemente, CA 92673**
CONTACT	Individuals who require special accommodation (American Sign Language interpreter, accessible seating, documentation in alternate formats, etc.) are requested to contact Caltrans District 12, Attn: Scott Shelley at (949) 724-2705 at least 21 days prior to the scheduled hearing date. TDD users may contact the California Relay Service TTY line at 1-800-735-2929 or Voice Line at 1-800-735-2922 For more information about this study or any transportation matter, call Caltrans, Attn: Scott Shelley (949) 724-2705.

3.1.1.4 Format of Responses to Comments

See Appendix K for the responses to public comments. Individual issues within each comment letter are numbered along the right-hand margin of each letter. The responses to each comment letter immediately follow each letter and are referenced by the index numbers in the margin.

The format of the responses below is based on a unique letter and number code for each comment. The number at the end of each code refers to specific comments within the individual letter. Therefore, each comment has a unique code assignment. For example, L-1-1 is the first comment in the letter L-1. "L" represents local agencies, "P" represents public comments, and "T" represents comments transcribed at the public meeting by the court reporter.3.1.3.4 Index of Comments received

Table 3-2 provides an index list of the agencies and persons that commented on the Draft IS/EA prior to the close of the public comment period or immediately thereafter. Each comment letter received is indexed with the number below.

Table 3-2 Comment Letters Received During Public Comment Period

Letter	Name	Date
L-1	Capistrano Unified School District (CUSD)	January 31, 2011
L-2	City of San Clemente	January 25, 2011
L-3	South Coast Air Quality Management District	February 11, 2011
L-4	City of Dana Point	February 3, 2011
L-5	CUSD	February 11, 2011
L-6	City of San Clemente	February 25, 2011
L-7	Department of Toxic Substances Control (DTSC)	February 7, 2011
L-8	San Clemente Non-Motorized Transportation Committee (PEDal)	N/A
P-1	Angel Alvarez	February 4, 2011
P-2	Bridget Ambord	February 4, 2011
P-3	Bridget Ambord	February 11, 2011
P-4	Joe Ambord	February 4, 2011
P-5	Walt Ambord	February 4, 2011
P-6	Kathy Armenteris	January 31, 2011
P-7	Bill Babcock	February 10, 2011

Table 3-2 Comment Letters Received During Public Comment Period

Letter	Name	Date
P-8	Chester Bennett	February 4, 2011
P-9	Chester Bennett	February 12, 2011
P-10	Tom Blake	February 4, 2011
P-11	Matt Blond	February 15, 2011
P-12	Marianne Bourgeois	January 31, 2011
P-13	Richard Boyer	January 31, 2011
P-14	Lisa Brandiff	February 4, 2011
P-15	Maurice Brouillette	February 9, 2011
P-16	James Bryant	February 4, 2011
P-17	Tod Bryant	February 4, 2011
P-18	Robert Burford	February 4, 2011
P-19	Greta Cohn	February 4, 2011
P-20	Jenny Corsey	January 31, 2011
P-21	Patsy Covarrubias	February 14, 2011
P-22	Annie Currea	January 31, 2011
P-23	Karen Deaner	February 4, 2011
P-24	Charles Draper Sr	January 31, 2011
P-25	Charles Draper Sr	January 31, 2011
P-26	Jim Eckel	February 11, 2011
P-27	Mark and Candy Eidson	February 14, 2011
P-28	Harold Ellis	February 4, 2011
P-29	Harold Ellis	February 9, 2011
P-30	Ed Escandon	February 14, 2011
P-31	Delta Farrington	February 4, 2011
P-32	Jon Gambina	February 9, 2011
P-33	Rick Gautreaux	February 4, 2011
P-34	Sharon Gautreaux	February 4, 2011
P-35	Randolf Glass	February 12, 2011
P-36	Joe Granados	February 9, 2011
P-37	Linda Hale	February 8, 2011

Table 3-2 Comment Letters Received During Public Comment Period

Letter	Name	Date
P-38	John Hazeltine	February 9, 2011
P-39	John Hazeltine	February 10, 2011
P-40	Kris Heintz	February 4, 2011
P-41	Jenell Hendrix	February 4, 2011
P-42	Nancy Hendrix	February 4, 2011
P-43	Thom Hendrix	February 4, 2011
P-44	Kirk Hoffner	February 4, 2011
P-45	Lu Lu Hoffner	February 4, 2011
P-46	Pat Hornig	February 11, 2011
P-47	Sara Hornig	February 11, 2011
P-48	Les Jones	February 4, 2011
P-49	Bill Kinney	February 21, 2011
P-50	Ellen Kopan	February 4, 2011
P-51	Tom Kopan	February 4, 2011
P-52	Don Kunzk	January 31, 2011
P-53	Ching Ya Kuo	February 4, 2011
P-54	Shwu Kuo	February 4, 2011
P-55	John Lusk	February 1, 2011
P-56	Brian Lynn	February 4, 2011
P-57	Lyon Property	January 26, 2011
P-58	Lyon Property	February 28, 2011
P-59	Hilda Ma	February 11, 2011
P-60	John Mannix	January 31, 2011
P-61	Donald Mason	January 31, 2011
P-62	Bill McAndrew	January 19, 2011
P-63	Laura McCorvey	February 9, 2011
P-64	Marilyn Mikuluis	January 31, 2011
P-65	Michael Mikuluis	January 31, 2011
P-66	Bill Mills	February 25, 2011
P-67	Donald Mineo	January 31, 2011

Table 3-2 Comment Letters Received During Public Comment Period

Letter	Name	Date
P-68	Roger Morrison	February 11, 2011
P-69	Erin Naderi	February 11, 2011
P-70	Mike Nelson	February 19, 2011
P-71	Ron Obermeyer	February 12, 2011
P-72	Ron Obermeyer	February 26, 2011
P-73	Irene Ortega	February 9, 2011
P-74	Dolores Padgett	January 31, 2011
P-75	Dolores Padgett	February 20, 2011
P-76	Laura Perguson	January 31, 2011
P-77	Laura Perguson	January 31, 2011
P-78	Tim Perguson	January 31, 2011
P-79	Joanne Pollard	February 11, 2011
P-80	Thomas Proffit	January 31, 2011
P-81	Abdul and Farhat Qadeer	January 31, 2011
P-82	Henry Rager	February 8, 2011
P-83	Henry Rager	February 10, 2011
P-84	Carl Rieger	February 11, 2011
P-85	Terry Rogers	February 11, 2011
P-86	Isabel Rosales	February 12, 2011
P-87	Ken Roth	February 19, 2011
P-88	Jean Schuessler	February 12, 2011
P-89	Theresa Secrest	February 18, 2011
P-90	C Seward	February 14, 2011
P-91	Linda Sherman	February 10, 2011
P-92	Scott Sherman	February 10, 2011
P-93	Bob and Kathy Skupa	February 4, 2011
P-94	Lynn Smith	January 31, 2011
P-95	Jim Stephans	February 4, 2011
P-96	Jim and Mary Stephans	February 9, 2011
P-97	Jim and Mary Stephans	February 24, 2011

Table 3-2 Comment Letters Received During Public Comment Period

Letter	Name	Date
P-98	Mary Stephans	February 4, 2011
P-99	Li Stevens	February 4, 2011
P-100	Patti Stringer	February 11, 2011
P-101	Jeff Suckiel	February 11, 2011
P-102	Jen Suckiel	February 11, 2011
P-103	Jen Suckiel	February 12, 2011
P-104	Karen and Richard Unfried	February 7, 2011
P-105	Unknown Resident	January 25, 2011
P-106	Chris Vance	February 10, 2011
P-107	Pat Walla	January 31, 2011
P-108	Brent Waterworth	February 14, 2011
P-109	Nancy Westler	February 4, 2011
T-1	Michael Metcalf	January 31, 2011
T-2	Charles Mann	January 31, 2011

3.2.2 Consultation with Resource Agencies

The Department notified the United States Fish and Wildlife Service (USFWS) of the proposed project in August 2009. A list of proposed, threatened, and endangered species potentially occurring in the vicinity of the I-5 HOV Lane Extension Project was received from the USFWS on September 28, 2009. In addition, the California Department of Fish and Game (CDFG) Natural Diversity Database was referenced for the *Dana Point, San Clemente, San Onofre Bluff, Margarita Peak, Las Pulgas Canyon, San Juan Capistrano, Canada Gobernadora,* and *Oceanside, California* United States Geological Survey (USGS) 7.5-minute quadrangles.

A field meeting with Sally Brown of USFWS occurred on September 16, 2010, to discuss the project. As a result of this meeting, informal consultation was recommended by USFWS. On May 9, 2011, the Final NES (September 2010) and Supplemental NES (December 2010) were sent to USFWS to informally request concurrence with the finding of "not likely to adversely affect" Federally listed species. On June 23, 2011, the USFWS concurred with this finding (see Appendix B,

Correspondence). Section 2080 authorization with CDFG is not currently expected to be necessary for the I-5 HOV Lane Extension Project.

Additionally, concurrence with the Jurisdictional Delineation is expected to be obtained prior to the final environmental document.

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

Agency	Permit/Approval	Status
United States Army Corps of Engineers	Section 404 Permit for filling/dredging waters of the United States (Nationwide Permit 14)	The Department is to obtain letter or permit after certification of environmental document.
United States Fish and Wildlife Service	Informal Section 7 consultation for CAGN occurred due to the temporary impact to CAGN.	A field meeting with Sally Brown of USFWS occurred on September 16, 2010, to discuss the project. As a result of this meeting, informal consultation was recommended by USFWS. On May 9, 2011, the Final NES (September 2010) and Supplemental NES (December 2010) were sent to USFWS to informally request concurrence with the finding of "not likely to adversely affect" Federally listed species. On June 23, 2011, the USFWS concurred with this finding (see Appendix B, Correspondence).
California Department of Fish and Game	1602 Lake or Streambed Alteration Agreement	The Department is to obtain permit after certification of environmental document.
Regional Water Quality Control Board	Section 401 Water Quality Certification	The Department is to obtain certification after certification of environmental document.
State Water Resources Control Board	Section 402 NPDES (Construction Activity)/ Caltrans NPDES Permit CAS000003 and CAS00002 (General Permit)	The Construction General Permit has been adopted and was effective as of July 1, 2010. The Caltrans NPDES Permit was effective as of July 15, 1999.
City of Dana Point Local Coastal Program/ California Coastal Commission	Coastal Development Permit/Exemption	Early coordination has been conducted with the City of Dana Point and the California Coastal Commission and a concurrence of our determination of exemption is anticipated.
Orange County Flood Control District	Encroachment Permit	The Department is to obtain letter or permit.
Orange County Health Care Agency	Well permit for wells and test borings	The Department is to obtain letter or permit.

CAGN = coastal California gnatcatcher
Caltrans/Department = California Department of Transportation
FHWA = Federal Highway Administration
MAR = Modified Access Report
NPDES = National Pollutant Discharge Elimination System

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