Chapter 3 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 consultation and public participation for this project have been accomplished through a variety of formal and informal methods, including Project Development Team (PDT) meetings, interagency coordination meetings, and consultation with interested parties. 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.

3.1 Notice of Initiation of Studies

On November 16, 2011, a Notice of Initiation of Environmental Process (NOIS) was distributed to agencies and interested parties that may have an interest in the project. The NOIS requested feedback pertaining to potential environmental effects of the project, as well as existing facilities or planned project that may be impacted by the project. Feedback was received from AT&T, Metrolink, the Orange County Sanitation District, Network Infrastructure Services, and Southern California Gas Company. The feedback was considered during development of the alternatives and analysis of project impacts.

3.2 Interagency Coordination and Consultation

The formulation of project alternatives and mitigation has been carried out through a cooperative dialogue among representatives of the following agencies or organizations**:**

- Orange County Transportation Authority (OCTA)
- City of Santa Ana
- City of Irvine
- City of Tustin
- Native American representatives
- Historical groups
- State Historic Preservation Officer (SHPO)

- Southern California Association of Governments (SCAG) Transportation Conformity Working Group (TCWG)
- United States Fish and Wildlife Service (USFWS)
- United States Army Corps of Engineers (Corps)

The following sections summarize the results of Caltrans efforts to fully identify, address, and resolve project-related issues through early and continuing coordination.

3.2.1 Native American Consultation

Consultation with a number of Native American Tribes (groups and individuals) was conducted between November 2011 and January 2012 in compliance with Section 106 of the National Historic Preservation Act. Assembly Bill 52 (AB 52), which amended CEQA to require consultation with Native American Tribes, became effective July 1, 2015. As a result, additional Native American coordination under AB 52 was initiated in July 2015. The consultation with the Native American Heritage Commission (NAHC) and Native American representatives is summarized in Table 3.1. A copy of the NAHC correspondence is included at the end of this chapter.

3.2.2 Historical Consultation

Consultation with agencies and interested parties regarding historical resources is summarized below**:**

- Orange County Historical Society, letter sent October 8, 2012. No response received.
- Santa Ana Historical Preservation Society, letter sent October 8, 2012. No response received.
- Irvine Historical Society, letter sent October 8, 2012. No response received.
- Tustin Area Historical Society, letter sent October 8, 2012. No response received.
- City of Santa Ana, letter sent October 8, 2012. No response received.
- City of Irvine, letter sent October 8, 2012. Response received via telephone on November 2, 2012 from Sherman Jones, who stated that the City has no historic resources in the project Area of Potential Effects (APE). A letter from the City dated November 5, 2012 stated the same thing.
- City of Tustin, letter sent October 8, 2012. No response received.
- City of Santa Ana Planning and Building Agency, building permit research (October 2012).

Table 3.1 Summary of Native American Consultation

Agency and Agency Representative	Date of First Contact (Formal Letter)	Date of Reply	Date of Follow-up Contact (Phone Call)	Consultation Topic
Native American Heritage Commission (NAHC) Dave Singleton, Program Analyst	November 10, 2011	November 15, 2011	Formal letter	**November 10, 2011:** A letter was sent to the NAHC requesting a search of the Sacred Lands File (SLF) in order to identify areas of religious or cultural significance to Native Americans. The NAHC request letter is included at the end of this chapter. **November 15, 2011:** The NAHC responded on November 15, 2011, to say that the SLF search was negative for the immediate Area of Potential Effects (APE), but recommended that 12 Native American individuals representing the Gabrielino, Gabrielino Tongva, and Juaneño groups be contacted for possible additional information. **November 28, 2011**: Letters discussing the project and requesting information on Native American heritage resources were sent via certified letter and email to NAHC listed contacts on November 28, 2011.
Ti'At Society/Inter-Tribal Council of Pimu Cindi M. Alvitre, Chairwoman-Manisar Gabrielino	November 28, 2011 July 28, 2015 (AB 52)	None Letter returned to sender (Caltrans).	December 12, 2011 December 20, 2011 January 23, 2012	**November 28, 2011:** A letter that discussed the project and requested information on cultural resources in the area that may be significant was sent via certified mail. **December 12, 2011:** A follow up email was sent to Ms. Alvitre. **December 20, 2011:** A second follow up email was sent to Ms. Alvitre. **January 23, 2012:** The letter was returned as "unclaimed."
Gabrieleno/Tongva Indians Sam Dunlap, Chairperson	November 28, 2011 July 28, 2015 (AB 52)	None None	December 12, 2011 December 14, 2011 December 15, 2011	**November 28, 2011:** A letter that discussed the project and requested information on cultural resources in the area that may be significant was sent via certified mail. **December 12, 2011:** A follow up email was sent to Mr. Dunlap. **December 14, 2011:** Mr. Dunlap responded by email to say that in 2007, an intact, deeply buried habitation site (approximately 5 feet below the ground surface) was discovered in the southwest quadrant of the Marine Corps Air Station in Tustin, about 3,500 feet east of the project area in the vicinity of Redhill Avenue and Barranca Parkway. **December 15, 2011:** In a follow up telephone call, Mr. Dunlap stated that due to the presence of this site, he considers the area to be sensitive for buried cultural resources and recommends that archaeological monitoring be part of the mitigation to ensure proper recording of any historic discoveries. He also recommends that if native soils are to be impacted, a Native American monitor

Table 3.1 Summary of Native American Consultation

Agency and Agency Representative	Date of First Contact (Formal Letter)	Date of Reply	Date of Follow-up Contact (Phone Call)	Consultation Topic
				be selected from his group because the project is within the traditional tribal territory of the Gabrielino Tongva Nation.
Juaneño Band of Mission Indians Acjachemen Nation David Belardes, Chairperson	November 28, 2011 July 28, 2015 (AB 52)	December 8, 2011 None	January 27, 2012	**December 8, 2011:** Joyce Perry, Representing Tribal Chairperson, stated in a telephone call that her group has no comments or concerns. **January 27, 2012:** The letter was returned as "unclaimed."
Juaneño Band of Mission Indians Acjachemen Nation Anthony Rivera, Chairman	November 28, 2011 July 28, 2015 (AB 52)	No response received None	December 12, 2011 December 19, 2011	**December 12, 2011:** A follow up email was sent to Mr. Rivera. **December 19, 2011:** A second follow up email was sent to Mr. Rivera.
Tongva Ancestral Territorial Tribal Nation John Tommy Rosas, Tribal Administrator	November 28, 2011 (via email) July 28, 2015 (AB 52; via email)	None July 29, 2015 July 30, 2015	December 12, 2011	**December 12, 2011:** A follow up email was sent to Mr. Rosas. Mr. Rosas emailed back to acknowledge that he received the information. No further comment has been received. **July 29, 2015:** Mr. Rosas, Tribal Administrator, e-mailed Caltrans that he would weigh in within a few days. **July 30, 2015:** Mr. Rosas requested additional project information that was provided by the project team. No additional response received.
Gabrielino Tongva Indians of California Tribal Council Robert F. Dorame, Tribal Chair/Cultural Resources	November 28, 2011 July 28, 2015 (AB 52)	None None	December 12, 2011 December 19, 2011 December 22, 2011	**December 12, 2011:** A follow up email was sent to Mr. Dorame. **December 19, 2011:** A voicemail was left for Mr. Dorame. **December 22, 2011:** Mr. Dorame stated in a telephone call that he forwarded the information to a Native American from his group in Orange County, and will respond if he finds there are concerns.
Gabrieleno/Tongva San Gabriel Band of Mission Indians Anthony Morales, Chairperson	November 28, 2011 July 28, 2015 (AB 52)	None None	December 12, 2011 December 19, 2011	**December 12, 2011:** A follow up email was sent to Mr. Morales. **December 19, 2011:** In a telephone call, Mr. Morales requested that the project proponent be vigilant in identifying and protecting cultural resources. He is aware of buried sites in the vicinity and considers that most modern thoroughfares like SR-55 to mirror prehistoric trails. He recommends archaeological and Native American monitoring using a monitor from his group when construction is in native soil.
Juaneño Band of Mission Indians Alfred Cruz, Cultural Resources Coordinator	November 28, 2011 July 28, 2015 (AB 52)	None None	December 12, 2011 December 19, 2011 December 22, 2011	**December 12, 2011:** A follow up email was sent to Mr. Cruz. **December 19, 2011:** A voicemail was left for Mr. Cruz. **December 22, 2011:** Mr. Cruz returned the call to say that he is aware of sites in the vicinity and he recommends monitoring by an archaeologist and Native American when construction activities are in intact native soil.

Table 3.1 Summary of Native American Consultation

Agency and Agency Representative	Date of First Contact (Formal Letter)	Date of Reply	Date of Follow-up Contact (Phone Call)	Consultation Topic
Gabrielino-Tongva Tribe Bernie Acuna	November 28, 2011 July 28, 2015 (AB 52)	None None	December 12, 2011 December 20, 2011	**December 12, 2011:** A follow up email was sent to Ms. Candelaria. **December 20, 2011:** Mr. Acuna's voicemail box was full so a second follow up email was sent.
Juaneño Band of Mission Indians Acjachemen Nation Joyce Perry, Representing Tribal Chairperson	November 28, 2011 July 28, 2015 (AB 52)	December 8, 2011 None	None	**December 8, 2011:** Ms. Perry stated in a telephone call that her group has no comments or concerns.
Gabrielino-Tongva Tribe Linda Candelaria, Chairwoman	November 28, 2011 July 28, 2015 (AB 52)	None None	December 12, 2011 December 19, 2011	**December 12, 2011:** A follow up email was sent to Ms. Candelaria. **December 19, 2011:** Ms. Candelaria stated in a telephone call that her group has no concerns or comment.
Gabrieleno Band of Mission Indians Andrew Salas	November 28, 2011 July 28, 2015 (AB 52)	None None	December 12, 2011 December 19, 2011	**December 12, 2011:** A follow up email was sent to Mr. Salas. **December 19, 2011:** A second follow up email was sent to Mr. Salas. Mr. Salas replied to say that he will comment shortly. No further comments have been received.
Soboba Band of Luiseño Indians Joseph Ontiveros, Director of Cultural Resources (requested consultation with District 12 following the passage of AB 52)	July 28, 2015 (AB 52)	August 27, 2015		**August 27, 2015:** Mr. Ontiveros responded by letter that they would like to consult on this project and asked for a meeting. **September 2, 2015**: Caltrans requested meeting availability. **September 2, 2015**: Soboba responded that a field meeting was not needed at this time as long as the reports and maps can be referenced. **September 3, 2015**: Caltrans requested meeting availability. **September 14, 2015**: Soboba responded with next meeting availability (September 29 or 30, 2015). **September 14, 2015**: Caltrans responded with alternate dates. **September 15, 2015**: Soboba responded that Fridays are not available. **September 15, 2015**: Caltrans requested meeting availability in mid-October. **September 21, 2015**: Soboba responded they have an opening tomorrow and need the results of the CHRIS record search and maps. Caltrans sent the information electronically. **September 22, 2015**: Meeting with Caltrans and Mr. Joseph

Table 3.1 Summary of Native American Consultation

Agency and Agency Representative	Date of First Contact (Formal Letter)	Date of Reply	Date of Follow-up Contact (Phone Call)	Consultation Topic
				Ontiveros at the Soboba Administration Office in San Jacinto. Project scope and location were briefly discussed. Results of the record search, consultation, and field survey did not identify any cultural resources within the APE. Soboba inquired about mitigation and Caltrans replied that as proposed, no historic properties would be affected and that, based on the potential for only a few small areas of native soil to be impacted, no mitigation was required. Soboba requested they be retained to monitor construction activities in native soil if any present and requested that Caltrans coordinate with other districts. Caltrans indicated that they would re-examine the cultural studies regarding potential impacts to native soil and discuss negative findings and monitoring requests with other districts and Headquarters. **September 29, 2015**: Caltrans responded via e-mail and letter providing engineering information for native soil to only potentially be disturbed during the construction of bridge bents at a few locations. Since no cultural resources had been identified in the APE, Caltrans notified the Soboba that after discussions with other districts and Headquarters, District 12 had decided that the Soboba may voluntarily monitor construction activities in native soil if present, but it would be unpaid and contingent upon any required liability insurance. The Soboba were informed that construction was slated for 2017 and to let Caltrans know if they were interested or if they have any information that may warrant reconsideration. **October 1, 2015**: The Soboba sent Caltrans a formal letter concluding consultation stating that they have no specific concerns and requesting that appropriate consultation continue to take place between concerned tribes, project proponents, and local agencies.

Source**:** *Historic Property Survey Report* (2015).
AB = Assembly Bill
APE = Area of Potential Effects
Caltrans = California Department of Transportation
CHRIS = California Historical Resources Information System
SR-55 = State Route 55

- City of Tustin Community Development Department, Building Permits and Inspections Division (Flor Williams), building permit research (October 2012 and January 2013).
- Historic aerial photographs accessed online at historicaerials.com in May and October 2012.
- United States Geological Survey topographic maps.
- Caltrans Structure, Maintenance & Investigations, Historical Significance – State Agency Bridges dated September 2012.

3.2.3 State Historic Preservation Officer

As assigned by the Federal Highway Administration (FHWA), Caltrans has determined that there are properties evaluated as a result of the project that are not eligible for inclusion in the National Register of Historic Places within the project APE. Under Section 106 Programmatic Agreement (PA) Stipulation VIII.C, Caltrans requested SHPO's concurrence on this determination on October 5, 2015. SHPO concurrence was received on November 12, 2015.

3.2.4 Transportation Conformity Working Group

The project-level particulate matter hot-spot analysis was presented to the SCAG TCWG for discussion and review on June 26, 2012. Per Caltrans Headquarters policy, all nonexempt projects need to go through review by the TCWG. The TCWG determined that the proposed project would meet the criteria for a project of air quality concern because it would expand an existing freeway with high existing and future truck volumes. Therefore, a qualitative project-level $PM_{2.5}$ and PM_{10} hot-spot analysis was conducted to assess whether the project would cause or contribute to any new localized $PM_{2.5}$ or PM_{10} violations, increase the frequency or severity of any existing violations, or delay timely attainment of the $PM_{2.5}$ and PM_{10} national ambient air quality standards. On December 3, 2013, the TCWG determined that the qualitative project-level $PM_{2.5}$ and PM_{10} hot-spot analysis was acceptable for National Environmental Policy Act (NEPA) circulation. Subsequent to the TCWG approval, the forecasted SR-55 traffic volumes were updated. On July 28, 2015, the TCWG determined that the updated SR-55 traffic volumes would not affect the conclusions of the qualitative PM hot-spot analysis and reaffirmed that the analysis was acceptable for NEPA circulation. Copies of the TCWG determinations are included at the end of this chapter.

3.2.5 United States Fish and Wildlife Service

Official species lists were obtained from the United States Fish and Wildlife Service (USFWS) on December 17, 2012, and September 1, 2015. The species lists provide information about the threatened, endangered, and proposed species, designated critical habitat, and candidate species that may occur in the vicinity of a proposed project. The species lists provided by the USFWS are included at the end of this chapter.

3.2.6 United States Army Corps of Engineers

On July 14, 2004, as part of the Alton Avenue Overcrossing Project, a letter was sent to the Corps requesting a Department of the Army determination of Corps jurisdiction over the Orange County Flood Control District channel known as Lane Channel, which is tributary to San Diego Creek, in the City of Santa Ana, Orange County California. The Corps August 20, 2004 response is provided at the end of this chapter.

3.3 Community Outreach and Public Involvement

3.3.1 Project Development Team

The Cities of Tustin, Santa Ana, and Irvine participate in the regular PDT meetings conducted by OCTA and Caltrans for the SR-55 widening project. The PDT meetings cover a wide range of topics related to the proposed project, including development and evaluation of alternatives, engineering considerations, environmental issues, and the environmental document and documentation process.

3.3.2 Orange County Transportation Authority Project Website

The OCTA has a webpage (http://www.octa.net/Projects-and-Programs/All-Projects/Freeway-Projects/Costa-Mesa-Freeway-(SR-55)/SR-55-(I-405-to-I-5)/?frm=3555) that provides information to the public regarding the proposed SR-55 project and the status of the environmental document and the environmental documentation process for the project.

Native American Heritage Commission Correspondence

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LSA

LSA ASSOCIATES, INC.
20 EXECUTIVE PARK, SUITE 200
IRVINE, CALIFORNIA 92614

949.553.0666 TEL
949.553.8076 FAX

BERKELEY
CARLSBAD
FORT COLLINS
FRESNO
PALM SPRINGS
POINT RICHMOND
RIVERSIDE
ROCKLIN
SAN LUIS OBISPO
S. SAN FRANCISCO

November 10, 2011

Dave Singleton
Native American Heritage Commission
915 Capitol Mall, Room 364
Sacramento, CA 95814

Subject: Sacred Lands File Search for the State Route 55 (SR-55) Improvement Project between Interstate 405 (I-405) and Interstate 5 (I-5), Orange County, California

Dear Mr. Singleton:

Attached please find a portion of one United States Geological Survey (USGS) 7.5-minute topographic quadrangle map. Plotted on the map is the location of the proposed SR-55 Improvement Project between I-405 and I-5 in Orange County, California. Specifically, the project is situated in Township 5 South, Range 9 West, in an unsectioned portion of the *Tustin, California* USGS topographic quadrangle map (San Bernardino Baseline and Meridian). A map showing the project area is attached.

There will be ground disturbance associated with this project. Per Section 106 of the National Historic Preservation Act, LSA is requesting a Sacred Lands File search for the project area. Please notify LSA of any Native American cultural resources that may be impacted.

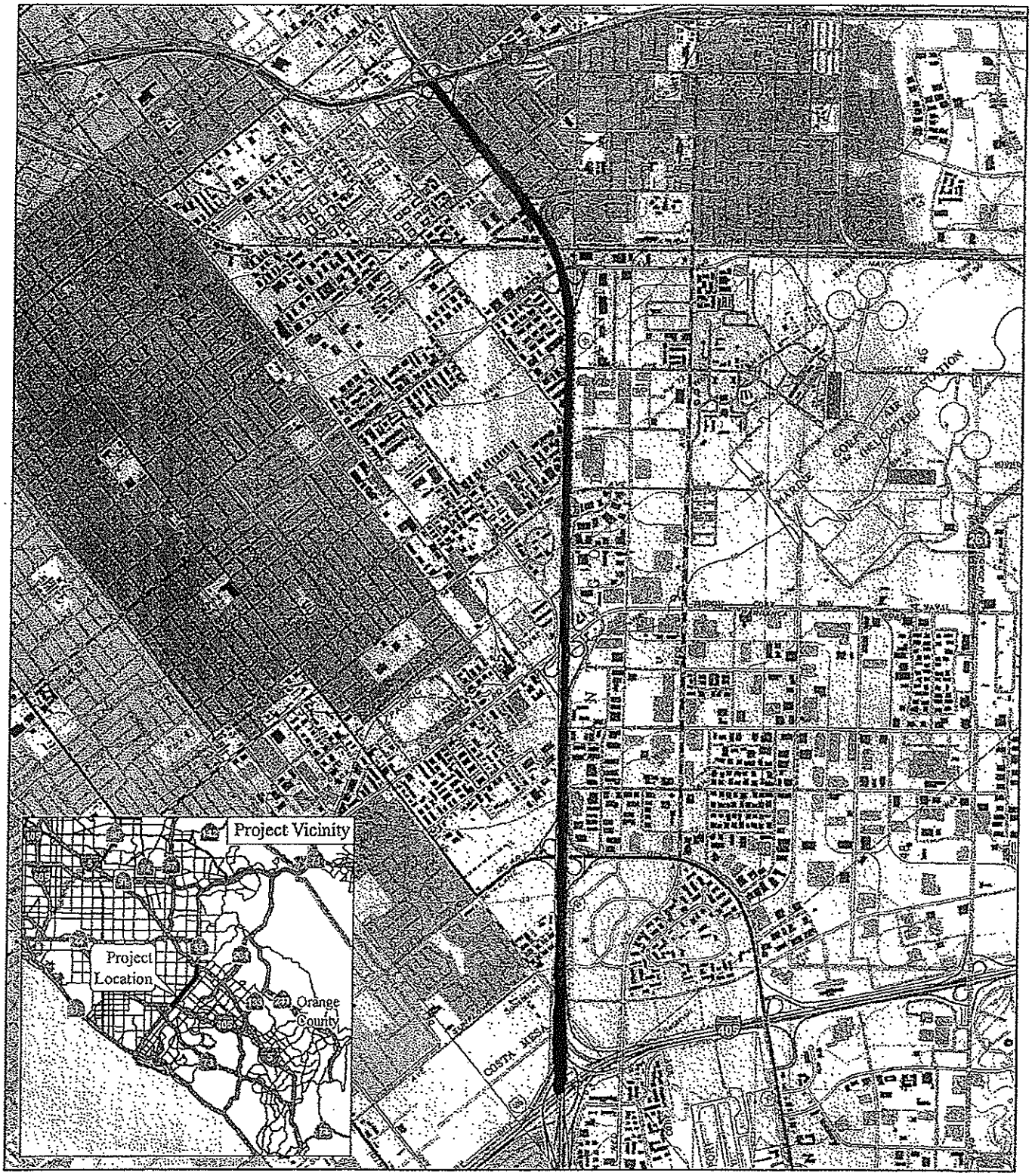
I will anticipate a response within 10 working days from your receipt of this request. If you have any questions or comments, please contact me at (949) 553-0666 or you may e-mail me at terri.fulton@lsa-assoc.com. As always, thank you very much for your assistance with this project.

Best Regards,

LSA ASSOCIATES, INC.

Terri Fulton
Archaeologist/Senior Cultural Resources Manager
Native American Consultation Coordinator

Attachments: Portion of one USGS map



LEGEND

Project Limits

FIGURE 1

0 1500 3000
FEET

SOURCE: USGS 7.5' Quad. (Tustin, 1981)

I:\HDR1102\GIS\ProjectLocation.mxd (11/2/2011)

State Route 55 (SR-55) Improvement Project between Interstate 405 (I-405) and Interstate 5 (I-5)

Project Location

TRANSMISSION VERIFICATION REPORT

TIME : 11/10/2011 11:51
NAME :
FAX :
TEL :
SER.# : 000C5J225683

DATE,TIME	11/10 11:50
FAX NO./NAME	NAHC
DURATION	00:00:49
PAGE(S)	02
RESULT	OK
MODE	STANDARD ECM

LSA

LSA ASSOCIATES, INC.
20 EXECUTIVE PARK, SUITE 200
IRVINE, CALIFORNIA 92614

949.553.0666 TEL
949.553.8076 FAX

BERKELEY
CARLSBAD
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FRESNO
PALM SPRINGS
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RIVERSIDE
ROCKLIN
SAN LUIS OBISPO
S. SAN FRANCISCO

November 10, 2011

Dave Singleton
Native American Heritage Commission
915 Capitol Mall, Room 364
Sacramento, CA 95814

Subject: Sacred Lands File Search for the State Route 55 (SR-55) Improvement Project between Interstate 405 (I-405) and Interstate 5 (I-5), Orange County, California

Dear Mr. Singleton:

Attached please find a portion of one United States Geological Survey (USGS) 7.5-minute topographic quadrangle map. Plotted on the map is the location of the proposed SR-55 Improvement Project between I-405 and I-5 in Orange County, California. Specifically, the project is situated in Township 5 South, Range 9 West, in an unsectioned portion of the *Tustin, California* USGS topographic quadrangle map (San Bernardino Baseline and Meridian). A map showing the project area is attached.

There will be ground disturbance associated with this project. Per Section 106 of the National Historic Preservation Act, LSA is requesting a Sacred Lands File search for the project area. Please notify LSA of any Native American cultural resources that may be impacted.

I will anticipate a response within 10 working days from your receipt of this request. If you have any questions or comments, please contact me at (949) 553-0666 or you may e-mail me at terri.fulton@lsa-assoc.com. As always, thank you very much for your assistance with this project.

Best Regards,

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STATE OF CALIFORNIA Edmund G. Brown, Jr., Governor

NATIVE AMERICAN HERITAGE COMMISSION
915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-6251
Fax (916) 657-5390
Web Site www.nahc.ca.gov
ds_nahc@pacbell.net

November 15, 2011

Ms. Teri Fulton, RPA, Senior Cultural Resources Manager
LSA ASSOCIATES, INC.
20 Executive Park, Suite 200
Irvine, CA 92614

Sent by FAX to: 949-553-8076
No. of Pages: 5

Re: Sacred Lands File Search and Native American Contacts list for the **"Proposed State Route 55 (SR 55) Improvement Project, between the I-405 and I-5;"** located in; Orange County, California

Dear Ms. Fulton:

The Native American Heritage Commission (NAHC) conducted a Sacred Lands File search of the 'area of potential effect,' (APEs) based on the USGS coordinates provided and **Native American cultural resources were not identified** in the project area of potential effect (e.g. APE) you specified. Also, please note; the NAHC Sacred Lands Inventory is not exhaustive and does not preclude the discovery of cultural resources during any project groundbreaking activity.

California Public Resources Code §§5097.94 (a) and 5097.96 authorize the NAHC to establish a Sacred Land Inventory to record Native American sacred sites and burial sites. These records are exempt from the provisions of the California Public Records Act pursuant to. California Government Code §6254 (r). The purpose of this code is to protect such sites from vandalism, theft and destruction.

In the 1985 Appellate Court decision (170 Cal App 3rd 604), the court held that the NAHC has jurisdiction and special expertise, as a state agency, over affected Native American resources, impacted by proposed projects including archaeological, places of religious significance to Native Americans and burial sites

The California Environmental Quality Act (CEQA – CA Public Resources Code §§ 21000-21177, amendments effective 3/18/2010) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the CEQA Guidelines defines a significant impact on the environment as 'a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ...objects of historic or aesthetic significance." In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE), and if so, to mitigate that effect. CA Government Code §65040.12(e) defines "environmental justice" provisions and is applicable to the environmental review processes.

Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries once a project is underway. Local Native Americans may have knowledge of the religious and cultural significance of the historic properties of the proposed project for the area (e.g. APE). Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65040.12(e). We urge consultation with those tribes and interested Native Americans on the list the NAHC has attached in order to see if your proposed project might impact Native American cultural resources. Lead agencies should consider avoidance as defined in §15370 of the CEQA Guidelines when significant cultural resources as defined by the CEQA Guidelines §15064.5 (b)(c)(f) may be affected by a proposed project. If so, Section 15382 of the CEQA Guidelines defines a significant impact on the environment as "substantial," and Section 2183.2 which requires documentation, data recovery of cultural resources.

The 1992 *Secretary of the Interiors Standards for the Treatment of Historic Properties* were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including cultural landscapes. Also, federal Executive Orders Nos. 11593 (preservation of cultural environment), 13175 (coordination & consultation) and 13007 (Sacred Sites) are helpful, supportive guides for Section 106 consultation. The aforementioned Secretary of the Interior's *Standards* include recommendations for all 'lead agencies' to consider the historic context of proposed projects and to "research" the cultural landscape that might include the 'area of potential effect.'

Partnering with local tribes and interested Native American consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA (42 U.S.C 4321-43351) and Section 106 4(f), Section 110 (f)(k) of federal NHPA (16 U.S.C. 470 *et seq*), 36 CFR Part 800.3 (f) (2) & .5, the President's Council on Environmental Quality (CSQ, 42 U.S.C 4371 *et seq.* and NAGPRA (25 U.S.C. 3001-3013) as appropriate. The 1992 *Secretary of the Interiors Standards for the Treatment of Historic Properties* were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including cultural landscapes. Also, federal Executive Orders Nos. 11593 (preservation of cultural environment), 13175 (coordination & consultation) and 13007 (Sacred Sites) are helpful, supportive guides for Section 106 consultation. The NAHC remains concerned about the limitations and methods employed for NHPA Section 106 Consultation.

Also, California Public Resources Code Section 5097.98, California Government Code §27491 and Health & Safety Code Section 7050.5 provide for provisions for accidentally discovered archeological resources during construction and mandate the processes to be followed in the event of an accidental discovery of any human remains in a project location other than a 'dedicated cemetery', another important reason to have Native American Monitors on board with the project.

To be effective, consultation on specific projects must be the result of an ongoing relationship between Native American tribes and lead agencies, project proponents and their contractors, in the opinion of the NAHC. An excellent way to reinforce the relationship between a project and local tribes is to employ Native American Monitors in all phases of proposed projects including the planning phases.

Confidentiality of "historic properties of religious and cultural significance" may also be protected under Section 304 of he NHPA or at the Secretary of the Interior discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C., 1996) in issuing a decision

on whether or not to disclose items of religious and/or cultural significance identified in or near the APE and possibility threatened by proposed project activity.

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

Sincerely,

Dave Singleton

Attachment: Native American Contact List

California Native American Contacts
Orange County
November 15, 2011

TI'At Society/Inter-Tribal Council of Pimu
Cindi M. Alvitre, Chairwoman-Manisar
3098 Mace Avenue, Aapt. D Gabrielino
Costa Mesa, , CA 92626
calvitre@yahoo.com
(714) 504-2468 Cell

Gabrielino Tongva Nation
Sam Dunlap, Chairperson
P.O. Box 86908 Gabrielino Tongva
Los Angeles , CA 90086
samdunlap@earthlink.net

(909) 262-9351 - cell

Juaneno Band of Mission Indians Acjachemen Nation
David Belardes, Chairperson
32161 Avenida Los Amigos Juaneno
San Juan Capistrano CA 92675
chiefdavidbelardes@yahoo.
(949) 493-4933 - home
(949) 293-8522

Juaneno Band of Mission Indians Acjachemen Nation
Anthony Rivera, Chairman
31411-A La Matanza Street Juaneno
San Juan Capistrano CA 92675-2674
arivera@juaneno.com
(949) 488-3484
(949) 488-3294 - FAX
(530) 354-5876 - cell

Tongva Ancestral Territorial Tribal Nation
John Tommy Rosas, Tribal Admin.
Private Address Gabrielino Tongva
,
tattnlaw@gmail.com
310-570-6567

Gabrielino Tongva Indians of California Tribal Council
Robert F. Dorame, Tribal Chair/Cultural Resources
P.O. Box 490 Gabrielino Tongva
Bellflower , CA 90707
gtongva@verizon.net
562-761-6417 - voice
562-761-6417- fax

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

Juaneno Band of Mission Indians
Alfred Cruz, Cultural Resources Coordinator
P.O. Box 25628 Juaneno
Santa Ana , CA 92799
alfredgcruz@sbcglobal.net
714-998-0721
714-998-0721 - FAX
714-321-1944 - cell

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

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed State Route 55 Improvement Project, between the I-405 and I-5 in Orange County, California for which a Sacred Lands File search and Native American Contacts list were requested.

California Native American Contacts
Orange County
November 15, 2011

Gabrielino-Tongva Tribe
Bernie Acuna
1875 Century Pk East #1500 Gabrielino
Los Angeles , CA 90067
(619) 294-6660-work
(310) 428-5690 - cell
(310) 587-0170 - FAX
bacuna1@gabrieinotribe.org

Juaneno Band of Mission Indians Acjachemen Nation
Joyce Perry; Representing Tribal Chairperson
4955 Paseo Segovia Juaneno
Irvine , CA 92612
949-293-8522

Gabrielino-Tongva Tribe
Linda Candelaria, Chairwoman
1875 Century Park East, Suite 1500
Los Angeles , CA 90067 Gabrielino
lcandelaria1@gabrielinoTribe.org
626-676-1184- cell
(310) 587-0170 - FAX
760-904-6533-home

Gabrieleno Band of Mission Indians
Andrew Salas, Chairperson
P.O. Box 393 Gabirelino
Covina , CA 91723
(626) 926-4131
gabrielenoindians@yahoo.com

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

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed State Route 55 Improvement Project, between the I-405 and I-5 in Orange County, California for which a Sacred Lands File search and Native American Contacts list were requested.

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State Historic Preservation Officer Concurrence

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DEPARTMENT OF TRANSPORTATION
District 12
3347 Michelson Drive, Suite 100
Irvine, CA 92612-1692
PHONE (949) 724 -2252
FAX (949) 724 - 2256

October 2, 2015

Julianne Polanco
State Historic Preservation Officer
Office of Historic Preservation
1725 23rd Street, Suite 100
Sacramento, CA 95816

SR-55 Widening
EA 0J3400
PM 6.4/10.3

Re: Historic Property Survey Report (HPSR) for the SR-55 Widening Project, in the cities of Tustin, Santa Ana, and Irvine, in Orange County, California (EA 0J3400; EFIS 1200020328)

Dear Ms. Polanco:

The California Department of Transportation (Caltrans), is initiating consultation with the State Historic Preservation Officer (SHPO) regarding the SR-55 Widening Project from just north of the I-405/SR-55 interchange, to just south of the I-5/SR-55 interchange in the cities of Tustin, Santa Ana, and Irvine, in Orange County, California. This consultation is undertaken in accordance with the January 2014 *First Amended* Section 106 *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* (PA). We are consulting with you at the present time under Stipulation VIII.C of the PA, which requires that we seek your concurrence on Caltrans' determinations of eligibility for potential historic properties.

Enclosed you will find a Historic Property Survey Report (HPSR) for the proposed undertaking. Caltrans, in cooperation with the Orange County Transportation Authority (OCTA), proposes the SR-55 Widening Project between Postmiles (PM) 6.4 and 10.3. Four build alternatives (Alternatives 1-4) have been proposed, each of which would add at least one general-purpose lane. Auxiliary lanes would also be added or converted, and Alternative 4 includes high-occupancy vehicle (HOV) lanes. All of the build alternatives include right-of-way acquisition (R/W), temporary construction easements (TCEs), bridge work, approximately one soundwall, retaining walls, drainage improvements, utility relocations, and the relocation/reconfiguration of Lane Channel. The HPSR was put on hold between April 2014 and September 2015 due to management discussions regarding traffic modeling.

A full project scope description and discussion of the Area of Potential Effects (APE) can be found on page 1 in the enclosed HPSR, with a depiction of the APE listed as Map 3.

Consultation and identification efforts for the SR-55 Widening Project resulted in one historic built environment resource (30-176663/30-176664/BNSF Railway) traversing the APE. This segment of the railway has been evaluated previously as ineligible for the National Register of Historic Places (NRHP) and was exempted in this study. No archaeological resources were identified within the APE as a result of the archaeological field surveys, archival research, and Native American consultation.

Identification and evaluation efforts for the SR-55 Widening Project (HPSR Attachment C) resulted in 17 historic-period built environmental properties being evaluated within the APE as depicted in Section 5. Properties Identified within the HPSR (pg. 5). These properties were evaluated for the NRHP and Caltrans concluded that they are not eligible. Pursuant to Stipulation VIII.C.6 of the PA, Caltrans is requesting your concurrence with the eligibility determinations as follows:

Not Eligible for the NRHP

- 2321 Pullman Street (APE Map Reference Number 1)
- 2311 Pullman Street (APE Map Reference Number 2)
- 2322 Pullman Street (APE Map Reference Number 3)
- 1601 Warner Avenue, 2229 Wright Street, 2253–2259 Ritchey Street, and 2261–2271 Ritchey Street (APE Map Reference Number 4)
- 2231–2241 Ritchey Street and 2245–2251 Ritchey Street (APE Map Reference Number 5)
- 1969–2019 Ritchey Street (APE Map Reference Number 6)
- 17021–17041 Kenyon Drive (APE Map Reference Number 7)
- 17051–17061 Kenyon Drive (APE Map Reference Number 8)
- 17071–17081 Kenyon Drive (APE Map Reference Number 9)
- 17091–17101 Kenyon Drive (APE Map Reference Number 10)
- 15991–16001 Pasadena Avenue (APE Map Reference Number 11)
- 17022 Whitby Circle (APE Map Reference Number 12)
- 17021 Whitby Circle (APE Map Reference Number 13)
- 15641 Pasadena Avenue (APE Map Reference Number 14)
- 17042 Carlann Circle (APE Map Reference Number 15)
- 15591 Boleyn Circle (APE Map Reference Number 16)
- 15581 Boleyn Circle (APE Map Reference Number 17)

All other properties within the APE, met the criteria for the Section 106 PA Attachment 4 (Properties Exempt from Evaluation). The HPSR was reviewed by Caltrans Cultural Studies Office (CSO) Professionally Qualified Staff (PQS).

This consultation is being undertaken in accordance with the January 1, 2014, Federal-Aid Highway Programmatic Agreement (PA). Caltrans is initiating consultation as part of its NEPA assignment of federal responsibilities by the Federal Highway Administration

(FHWA), effective October 1, 2012, and pursuant to 23 USC 327. Please direct all future correspondence on this project to Caltrans.

We are kindly requesting a response within 30 days of your receipt of this submittal, in accordance with Stipulation VIII.C.6(a) of the PA. This letter also serves as notification that Caltrans' finding for the undertaking (pursuant to Stipulation IX.A.2) is "No Historic Properties Affected", due to the absence of identified historic properties within the undertaking's APE.

If you need any additional information, please do not hesitate to me (phone: 949.724.2252; fax: 949.724.2256; e-mail: Charles.Baker@dot.ca.gov. Finally, thank you for your assistance with this undertaking.

Sincerely,

Charles Baker, Specialist Branch Chief
Environmental Analysis
California Department of Transportation, District 12, Irvine

Attachment: *October 2015 Historic Property Survey Report for the SR-55 Widening Project between just north of I-405 to just south of I-5 within the cities of Tustin, Santa Ana, and Irvine, in Orange County (12-ORA-55; PM 6.4/10.3; EA 0J3400)*

c: Kelly Hobbs – Caltrans CSO, Section 106 Coordinator

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OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION
1725 23rd Street, Suite 100
SACRAMENTO, CA 95816-7100
(916) 445-7000 Fax: (916) 445-7053
calshpo@parks.ca.gov
www.ohp.parks.ca.gov

November 12, 2015 Reply To: FHWA_2015_1013_001

Charles Baker, Specialist Branch Chief
Environmental Analysis
Caltrans District 12, Irvine
3347 Michelson Drive, Suite 100
Irvine, CA 92612-1692

Re: Determinations of Eligibility for the Proposed SR-55 Widening Project, in the cities of Tustin, Santa Ana, and Irvine, 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, in cooperation with the Orange County Transportation Authority, proposes the SR-55 Widening Project between Postmiles (PM) 6.4 and 10.3. Four build alternatives have been proposed, each of which would add at least one general-purpose lane. Auxiliary lanes would also be added or converted, and Alternative 4 includes high-occupancy vehicle lanes. All of the build alternatives include right-of-way acquisition, temporary construction easements, bridge work, approximately one soundwall, retaining walls, drainage improvements, utility relocations, and the relocation/reconfiguration of Lane Channel. A full project scope description and discussion of the Area of Potential Effects (APE) can be found on page 1 on the HPSR.

Consultation and identification efforts for the project resulted in the identification of 17 historic-period built environment properties within the APE. Caltrans has determined that the following properties are not eligible for the National Register of Historic Places either individually or as part of a potential historic district (NRHP):

- 2321 Pullman Street
- 2311 Pullman Street
- 2322 Pullman Street
- 1601 Warner Avenue, 2229 Wright Street, 2253-2259 Ritchey Street, and 2261-2271 Ritchey Street
- 2231 Ritchey Street and 2245-2251 Ritchey Street
- 1969-2019 Ritchey Street
- 17021-17041 Kenyon Drive
- 17051-17061 Kenyon Drive
- 17071-17081 Kenyon Drive
- 17091-17101 Kenyon Drive
- 15991-16001 Pasadena Avenue
- 17022 Whitby Circle
- 17021 Whitby Circle
- 15641 Pasadena Avenue

- 17042 Carlann Circle
- 15591 Boleyn Circle
- 15581 Boleyn Circle

All other properties within the APE, met the criteria for the Section 106 PA Attachment 4 (Properties Exempt from Evaluation).

Based on my review of the submitted documentation I concur with the foregoing determinations.

If you have any questions, please contact Natalie Lindquist of my staff at (916) 445-7014.

Sincerely,

Julianne Polanco
State Historic Preservation Officer

Transportation Conformity Working Group Determinations

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TCWG Review of Qualitative Analyses

Qualitative PM Hot Spot Analysis Review

December, 2013	Determination
ORA100511 December 2013 Memo ORA100511 December 2013 Markup ORA100511 December 2013 Rev	Reaffirmed to be acceptable for NEPA circulation (FHWA and EPA concurrence received via email after meeting)

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TCWG Review of Qualitative Analyses

Qualitative PM Hot Spot Analysis Review

July, 2015	Determination
ORA100511 July 2015 Memo	Reaffirmed to be acceptable for NEPA circulation

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United States Fish and Wildlife Service Species List

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United States Department of the Interior

FISH AND WILDLIFE SERVICE
CARLSBAD FISH AND WILDLIFE OFFICE
6010 HIDDEN VALLEY ROAD, SUITE 101
CARLSBAD, CA 92011
PHONE: (760)431-9440 FAX: (760)431-5901
URL: www.fws.gov/carlsbad/

Consultation Tracking Number: 08ECAR00-2013-SLI-0102 December 17, 2012
Project Name: SR-Improvement Project

Subject: 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

United States Department of Interior
Fish and Wildlife Service

Project name: SR-Improvement Project

Official Species List

Provided by:

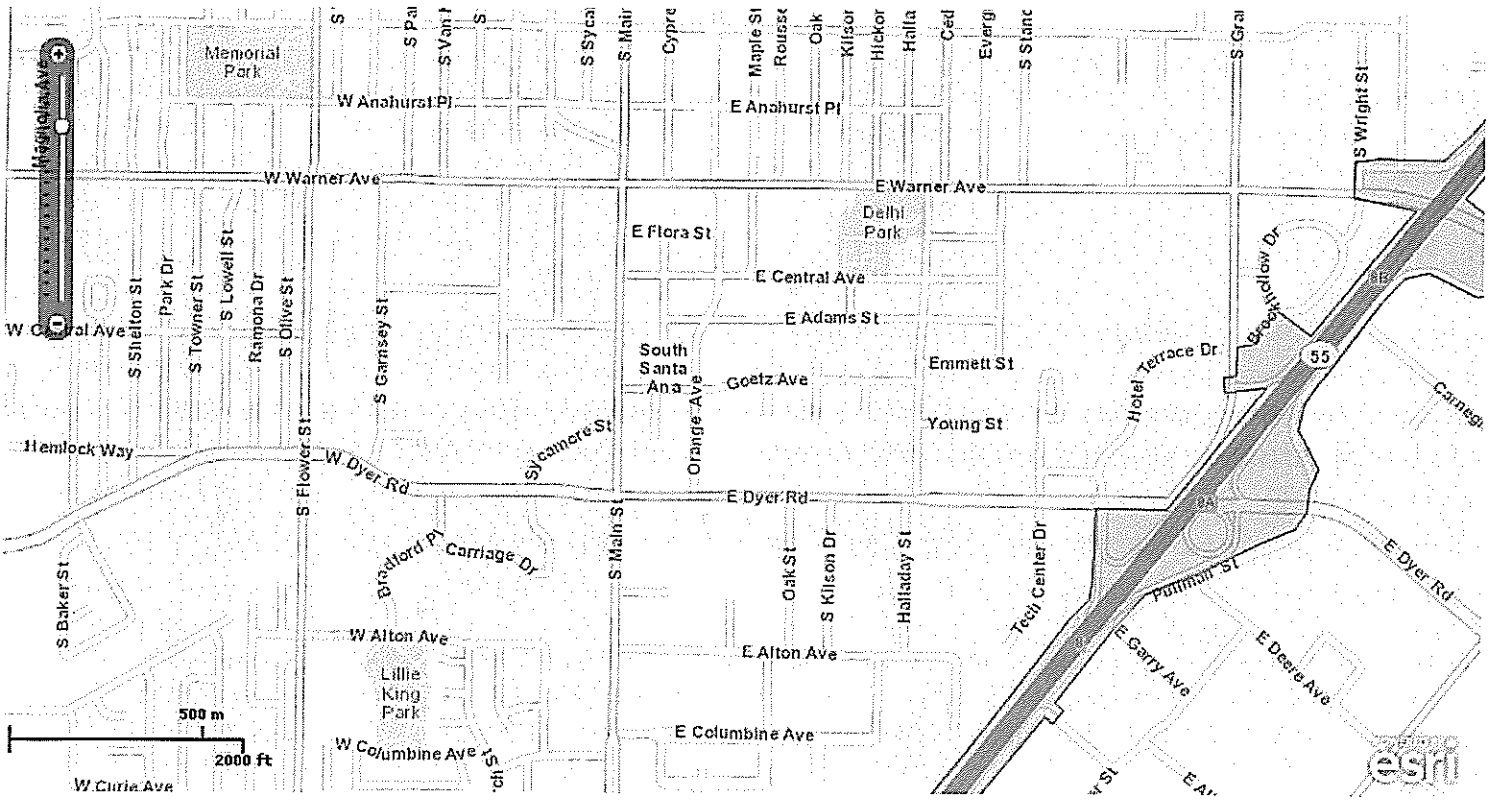
CARLSBAD FISH AND WILDLIFE OFFICE
6010 HIDDEN VALLEY ROAD, SUITE 101
CARLSBAD, CA 92011
(760) 431-9440
http://www.fws.gov/carlsbad/

Consultation Tracking Number: 08ECAR00-2013-SLI-0102
Project Type: Transportation
Project Description: California Department of Transportation (Caltrans), in cooperation with the Orange County Transportation Authority (OCTA), proposes to widen State Route 55 (SR-55) in both directions from just north of the Interstate 405 (I-405)/SR-55 interchange to Just South of the Interstate 5 (I-5)/SR-55 interchange in the Cities of Irvine, Santa Ana, and Tustin Orange County California.

United States Department of Interior
Fish and Wildlife Service

Project name: SR-Improvement Project

Project Location Map:



Project Coordinates: MULTIPOLYGON (((-117.8759352 33.6831251, -117.8767398 33.6836176, -117.8766656 33.6836711, -117.8757756 33.6849656, -117.8753679 33.686385, -117.8764618 33.6869562, -117.8764838 33.6879382, -117.8758707 33.6878581, -117.8743365 33.6880099, -117.8730168 33.6885366, -117.8721049 33.6888401, -117.8708279 33.6899826, -117.8686717 33.6921788, -117.8674379 33.6933839, -117.8665796 33.6939999, -117.8655281 33.6949637, -117.8627387 33.6980614, -117.8626528 33.6985077, -117.8627065 33.6986862, -117.8630712 33.6993378, -117.8634682 33.6995609, -117.8644445 33.6997841, -117.8649702 33.6998376, -117.864981 33.7001322, -117.8646484 33.7001947, -117.8638437 33.7000608, -117.8628781 33.6998015, -117.8623309 33.700221, -117.8611722 33.7003639, -117.8603246 33.7005156, -117.8590264 33.7017652, -117.8580394 33.7027827, -117.8551962 33.7058266, -117.8546273 33.7062996, -117.8545522 33.7066834, -117.8544664 33.7084238, -117.8524494 33.708397, -117.8496277 33.7112708, -117.8508186 33.7111459, -117.8508508 33.7115029, -117.8504967 33.7115475, -117.8504646 33.7122168, -117.8499818 33.7122971, -117.8497672 33.7126898, -117.8493166 33.7130825, -117.8483724 33.7125113, -117.8453791 33.7154743, -

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Project Counties: Orange, CA

Endangered Species Act Species List

Species lists are not entirely based upon the current range of a species but may also take into consideration actions that affect a species that exists in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Please contact the designated FWS office if you have questions.

Big-Leaved crownbeard *(Verbesina dissita)*

Listing Status: Threatened

California Least tern *(Sterna antillarum browni)*

Listing Status: Endangered

Coastal California gnatcatcher *(Polioptila californica californica)*

Listing Status: Threatened

Laguna Beach liveforever *(Dudleya stolonifera)*

Listing Status: Threatened

Least Bell's vireo *(Vireo bellii pusillus)*

Listing Status: Endangered

Light-Footed Clapper rail *(Rallus longirostris levipes)*

Population: U.S.A. only

Listing Status: Endangered

Pacific Pocket mouse *(Perognathus longimembris pacificus)*

Population: Entire

Listing Status: Endangered

Riverside fairy shrimp *(Streptocephalus woottoni)*

Listing Status: Endangered

Salt Marsh bird's-beak *(Cordylanthus maritimus ssp. maritimus)*

Listing Status: Endangered

San Diego fairy shrimp *(Branchinecta sandiegonensis)*

Listing Status: Endangered

Southwestern Willow flycatcher *(Empidonax traillii extimus)*

Listing Status: Endangered

Thread-Leaved brodiaea *(Brodiaea filifolia)*

Listing Status: Threatened

Western Snowy plover *(Charadrius alexandrinus nivosus)*

Population: Pacific coastal pop.

Listing Status: Threatened

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Carlsbad Fish and Wildlife Office
2177 SALK AVENUE - SUITE 250
CARLSBAD, CA 92008
PHONE: (760)431-9440 FAX: (760)431-5901
URL: www.fws.gov/carlsbad/

Consultation Code: 08ECAR00-2015-SLI-0699 September 01, 2015
Event Code: 08ECAR00-2015-E-01397
Project Name: SR-55 Improvement Project

Subject: 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

United States Department of Interior
Fish and Wildlife Service

Project name: SR-55 Improvement Project

Official Species List

Provided by:

Carlsbad Fish and Wildlife Office
2177 SALK AVENUE - SUITE 250
CARLSBAD, CA 92008
(760) 431-9440
http://www.fws.gov/carlsbad/

Consultation Code: 08ECAR00-2015-SLI-0699
Event Code: 08ECAR00-2015-E-01397

Project Type: TRANSPORTATION

Project Name: SR-55 Improvement Project
Project Description: California Department of Transportation (Caltrans), in cooperation with the Orange County Transportation Authority (OCTA), proposes to widen State Route (SR) 55 in both directions from Just north of the Interstate 405 (I-405)/SR-55 interchange to just south of Interstate 5 (I-5)/SR-55 interchange in the Cities of Irvine, Santa Ana, and Tustin Orange County California.

Please Note: The FWS office may have modified the Project Name and/or Project Description, so it may be different from what was submitted in your previous request. If the Consultation Code matches, the FWS considers this to be the same project. Contact the office in the 'Provided by' section of your previous Official Species list if you have any questions or concerns.

Project Location Map:

Project Coordinates: The coordinates are too numerous to display here.

Project Counties: Orange, CA

Endangered Species Act Species List

There are a total of 13 threatened or endangered species on your 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. Critical habitats listed under the **Has Critical Habitat** column may or may not lie within your project area. See the **Critical habitats within your project area** section further below for critical habitat that lies within your project. Please contact the designated FWS office if you have questions.

Birds	**Status**	**Has Critical Habitat**	**Condition(s)**
California Least tern *(Sterna antillarum browni)*	Endangered		
Coastal California gnatcatcher *(Polioptila californica californica)* Population: Entire	Threatened	Final designated	
Least Bell's vireo *(Vireo bellii pusillus)* Population: Entire	Endangered	Final designated	
Light-Footed Clapper rail *(Rallus longirostris levipes)* Population: U.S.A. only	Endangered		
Southwestern Willow flycatcher *(Empidonax traillii extimus)* Population: Entire	Endangered	Final designated	
western snowy plover *(Charadrius nivosus ssp. nivosus)* Population: Pacific coastal pop.	Threatened	Final designated	
Crustaceans			

San Diego fairy shrimp *(Branchinecta sandiegonensis)*	Endangered	Final designated	
Flowering Plants			
Big-Leaved crownbeard *(Verbesina dissita)*	Threatened		
Laguna Beach liveforever *(Dudleya stolonifera)*	Threatened		
Salt Marsh bird's-beak *(Cordylanthus maritimus ssp. maritimus)*	Endangered		
San Diego button-celery *(Eryngium aristulatum var. parishii)*	Endangered		
Ventura Marsh Milk-vetch *(Astragalus pycnostachyus var. lanosissimus)*	Endangered	Final designated	
Mammals			
Pacific Pocket mouse *(Perognathus longimembris pacificus)* Population: Entire	Endangered		

Critical habitats that lie within your project area

There are no critical habitats within your project area.

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United States Army Corps of Engineers Letter on Determination of Corps Jurisdiction

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DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, CORPS OF ENGINEERS
P.O. BOX 532711
LOS ANGELES, CALIFORNIA 90053-2325

August 20, 2004

REPLY TO
ATTENTION OF:
Office of the Chief
Regulatory Branch

David Biondolillo
City of Santa Ana
Public Works Agency M-93
P.O. Box 1988
Santa Ana, California 92702

Dear Mr. Biondolillo:

Reference is made to your letter request (No. 200401677-SJH) dated July 14, 2004 for a Department of the Army determination of Corps jurisdiction over the Orange County Flood Control Channel (OCFCC), also-known-as "Lane Channel", which is tributary to San Diego Creek, in the city of Santa Ana, Orange County, California.

Based on the Corps Los Angeles District regulatory staff's working knowledge of the OCFCC as well as information furnished in your letter, we have determined that your proposed project does discharge dredged or fill material into a water of the United States (U.S.) or an adjacent wetland. Therefore, the project is subject to our jurisdiction under Section 404 of the Clean Water Act and a Section 404 permit is required from our office. In addition, since the project has the potential to impact 2.36 acres of waters of the U.S., an "Individual Permit" would be required. Individual Permits are required for projects whose impacts to waters of the U.S. are in excess of 0.50 acre.

If you have any questions, please contact Stephanie J. Hall of my staff at (213) 452-3410.

Sincerely,

Mark Durham
for Chief, South Coast Section
Regulatory Branch

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