

DEPARTMENT OF TRANSPORTATION

DISTRICT 7, Division of Environmental Planning
100 South Main Street, Suite 100
LOS ANGELES, CA 90012-3606
PHONE (213) 897-0362
FAX (213) 897-0685
TTY (213) 897-4937



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August 19, 2009

California Department of Fish and Game
Newhall Ranch EIS/EIR Project Comments
Attn: Dennis Bedford
4949 Viewridge Avenue
San Diego, CA 92123

SCH: 200011025

Subject: Comments on Draft Joint Environmental Impact Statement and Environmental Impact Report for the Newhall Ranch Resource Management and Development Plan and Spineflower Conservation Plan

Dear Mr. Bedford,

The California Department of Transportation (Caltrans) Division of Environmental Planning has reviewed the Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR) and submits the following comments:

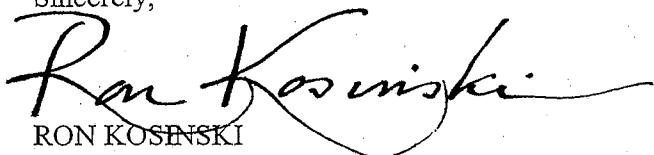
- Despite previous local assurances, Caltrans is not identified as a State Responsible Agency and/or a federal Cooperating Agency (pursuant to 23 U.S.C. 327 and applicable laws affecting the Federal Highway Administration (FHWA). As such, any meaningful future proposed road improvements to SR-126 will be subject to additional CEQA/NEPA documentation by our Agency. Perhaps we missed this critical documentation of our official collaborative involvement, if so please point it out in the EIS/EIR. 1
- As owner of State Route 126 there is mention of SR-126 improvements throughout the document. Any bridge or roadwork on SR-126 may require an encroachment permit from Caltrans. Any bridge related construction work outside the stipulations of the encroachment permit on SR-126 will be subject to an environmental document under CEQA and NEPA. 2
- Caltrans should have been included in the National Record of Historical Properties (NRHP) Section 106 State Historic Preservation Office (SHPO) consultation process. Without our involvement, any future SR-126 improvements would require Caltrans to undergo an additional SHPO consultation, as a separate process. Archeological sites, which are eligible for the NRHP, are located in Caltrans right of way and in the roadway. Please submit all technical studies that were prepared relating to cultural resources (marked confidential) and a copy of your Draft Memorandum of Agreement (MOA) to SHPO for our records. 3
- All federally listed species will need to receive the protections provided to them per the federal Endangered Species Act (ESA). Since Caltrans is not identified as a State Responsible Agency and/or a federal Cooperating Agency, (per our assumption of NEPA responsibility for FHWA), it is the responsibility of Caltrans and any entity using State Right-of-Way, to be in full compliance with the ESA. All future U.S. Fish and Wildlife Service consultations that relate to Caltrans Right-of-Way will need to involve our environmental staff, as we are the delegated representative of FHWA in this area 4

Overall, the biological and land use information presented in this Draft Joint Environmental Impact Statement and Environmental Impact Report for the Newhall Ranch Resource Management and Development Plan and Spineflower Conservation Plan is very well researched and presented. We believe we can use this as a valued future resource document.

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If you have any questions, please contact me at 213-897-0703 or Carlos Montez at 213-987-9116 or carlos.montez@dot.ca.gov. Thank you.

Sincerely,



RON KOSINSKI
Deputy District Director
Division of Environmental Planning

Cc: Matt Carpenter, Newhall Land Director Environmental Resources
Elmer Alvarez, Caltrans IGR Unit
Dennis Bedford, California Department of Fish and Game

010. Letter from California Department of Transportation, dated August 19, 2009

Response 1

The Draft EIS/EIR identified the California Department of Transportation (Caltrans) as a responsible agency under the California Environmental Quality Act (CEQA) in connection with the encroachment permits from Caltrans and the Federal Highway Administration (FHWA) in connection with the bridge and roadwork involving Caltrans and FHWA facilities. (See Draft EIS/EIR, pp. 2.0-30 - 2.0-31.) Notwithstanding, the U.S. Army Corps of Engineers (Corps) and California Department of Fish and Game (CDFG) acknowledge that future road improvements to State Route 126 (SR-126) may be subject to additional CEQA/National Environmental Police Act (NEPA) documentation by Caltrans.

Response 2

As noted in **Response 1**, above, and the Draft EIS/EIR, the Corps and CDFG acknowledge that bridge or roadwork on SR-126 will require an encroachment permit from Caltrans, and that construction work outside the stipulations of the encroachment permit would be subject to environmental review as applicable.

Response 3

Although portions of SR-126 will be improved as part of the proposed Project, the Draft EIS/EIR does not indicate that such improvements will take place at or near any significant cultural or archaeological resource. (Draft EIS/EIR, pp. 4.10-20-4.10-22.) Specifically, the Draft EIS/EIR identifies three archaeological sites that are eligible for inclusion on the NRHP and/or the California Registry of Historical Resources, only one of which (CA-LAN-2233) is located at or near SR-126. (Draft EIS/EIR, p. 4.10-20.) This site was the subject of substantial study in 1996, when Caltrans sought to widen SR-126 at this location. As part of that road-widening effort, Caltrans and the State Historic Preservation Office (SHPO) took part in an extensive consultation process to ensure proper treatment of any cultural resources discovered at CA-LAN-2233. (Draft EIS/EIR, p. 4.10-7.) Most of the CA-LAN-2233 site is located in an area that is to be capped and developed as a park, consistent with suggested preservation methods found in State CEQA Guidelines, section 15126.4, subdivision (b)(3)(B)(2). (Draft EIS/EIR, p. 4.10-22.) The proposed expanded SR-126 right-of-way described as part of the proposed Project would impact a portion of LAN-2233, as discussed in Draft EIS/EIR, **Subsection 4.10.6.2.2** (p. 4.10-22), thus requiring compliance with Section 106 and consultation with SHPO. The Corps and SHPO are executing a Programmatic Agreement (PA) and stipulations for preservation and treatment measures outlined in a Programmatic Cultural Resources Treatment Plan (CRTP). The final PA and Programmatic CRTP will be included in the Corps' final record of decision (ROD), consistent with the requirements of Section 106.

With respect to the agency's request regarding cultural resources documentation, the Corps and the Applicant will submit to Caltrans copies of all technical studies prepared relating to cultural resources within or adjacent to SR-126 (marked confidential), and a copy of the Corps' Draft Programmatic Agreement to the SHPO. For further responsive information, please see revised **Section 4.10** of the Final EIS/EIR.

Response 4

As noted in **Response 1**, above, the Draft EIS/EIR identified Caltrans as a responsible agency. The Corps and CDFG acknowledge it is the responsibility of Caltrans and any entity using State rights-of-way to be in full compliance with the federal Endangered Species Act (ESA), and further acknowledge the need for Caltrans environmental staff to be involved in all future U.S. Fish and Wildlife Service (USFWS) consultations relating to Caltrans' right-of-way.

Response 5

The Corps and CDFG acknowledge the commentor's input. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed Project.