

# HALL PROPERTY COMMUNITY PARK FINAL PROGRAM EIR VOLUME 3

## RESPONSE TO COMMENTS

Volume 3 of the Final Program EIR includes all written and verbal comments received on the Draft EIR and the circulation of supplement information. The City has responded to all comments in writing and these responses are provided

The first section of Volume 3 includes all written comments received on the Draft EIR and the corresponding response. The comment letters have been organized into four categories: Public Agencies, Community Groups, Independent Citizens, and Petitions. All letters have been assigned an ID# for easy reference. The following tables index the letters and associated ID#. In general, letters are listed in alphabetic order based on the commentor's last name.

The second section of Volume 3 contains a synopsis of the verbal comments received during the Planning Commission Workshop held March 1, 2007 and the associated responses to those comments.

The third section of this volume contains all comments received during the public review of supplemental information circulated by the City in May-June 2008 and the associated responses.

### ORGANIZATION OF PUBLIC COMMENTS DRAFT PROGRAM ENVIRONMENTAL IMPACT REPORT

AGENCY COMMENT LETTERS	
ID #	Agency
A1	California Department of Transportation
A2	Native American Heritage Commission

COMMUNITY GROUP COMMENT LETTERS		
ID #	Community Group	Author
B1	Citizens for Quality of Life	Law Offices of Everett L. Delano III, Everett Delano
B2	Citizens for Quality of Life	Pareto Planning and Environmental Services, Susan O'Carroll
B3	Citizens for Quality of Life	SWAPE, Matt Hagemann and Lisa Cuellar
B4	Concerned neighbors	Smith Engineering & Management, Daniel T. Smith
B5	Encinitas Youth Sports Council	Tom Delaney
B6	Cardiff Glen Homeowners Association	Bob Lasswell
B7	Encinitas Soccer League	John Georgeson (submittal of 57 individual letters)

CITIZEN COMMENT LETTERS		
ID #	Last name	First name
C1	Adams	Faeren
C2	Ahlgren	David
C3	Allen	Evelyn
C4	Alvarado-Martin	Rosanna
C5	Amer-Davis	Stacy
C6	Anderson	Leslie
C7	Anderson	Leslie and Rick
C8	Anderson	Rod
C9	Anshel	Jeffrey
C10	Arstill	Brock
C11	Atwood	Gary, plus 10 signatures
C12	Aylsworth	H.D.
C13	Aylsworth	H.D.
C14	Aylsworth	H.D.
C15	B???	Carolyn
C16	Baggins	Kelly and Billy
C17	Baumgartner	Conrad and Jenn
C18	Bert	Justin and Julina
C19	Billings	David
C20	Bistrup	Dorte
C21	Bond	Diane
C22	Bonde	Robert
C23	Bonde	Robert
C24	Brandt Jacquet	Karen
C25	Brandt Jacquet	Karen
C26	Braun	Lynn and Russell Marr
C27	Brockhoff	Ron
C28	Bromstad	John
C29	Bromstad	John
C30	Brown	Trey
C31	Bunn	Louis
C32	Burnand	Patricia
C33	Burroughs	John
C34	Burruss	Brett and Sheila
C35	Burton	William and Abbie
C36	Bustamante	Christy
C37	Carol	Linda
C38	Castellanos	Abel and Margarita
C39	Cohn	Gary and Deborah Pomeranz
C40	Collins	David
C41	Conway	Mike and Mary
C42	Cravens-Wertz	Laura and 11 signatures
C43	Creagan	Will
C44	Daigle	Anne
C45	Dardarian	Marie
C46	Dardarian	Marie
C47	Dashe	Charles
C48	Davis	Louis
C49	Dean	Peggy
C50	DeCelles	Janie
C51	DeCelles	Janie

CITIZEN COMMENT LETTERS		
ID #	Last name	First name
C52	DeFilippis	Joseph
C53	DeGhionno	Nancy
C54	DeGhionno	Nancy
C55	Del Rey?	Dennis
C56	Downing	Scott and Rhonda
C57	Dresner	Linda and Family
C58	Earles	Mary Lou
C59	Edelstein	Bertram
C60	Eldon	John
C61	Eldon	John
C62	Fautsch	Liz
C63	Feldman	Kent
C64	Feldman	Taunja
C65	Fleck	William and Tina
C66	Fleschutz	Lynn
C67	Fleschutz	Lynn
C68	Fletcher	Peggy
C69	Flournoy	Linda
C70	Forest?	Barbara
C71	Fox	Sheri
C72	Fraser	Nancy
C73	Fraser	Todd
C74	Frost	Pamela
C75	Geiser	Jude
C76	Ginoven	Robert and Wilhelmiva
C77	Glass	Jim and Cathy
C78	Glockner	Bill and Susan
C79	Goodson	Rod
C80	Gottlieb	Marianne
C81	Grabell	Gayle and Peter
C82	Gran	Pam
C83	Greene	Kathy
C84	Griffin	Mr. and Mrs. James
C85	Grimes	Ronald
C86	Hall	John
C87	Hardin	Mary
C88	Henry	Scott
C89	Hines	Sheri
C90	Hines	Sheri
C91	Hines	Jeff
C92	Hjalmarson	James and Mary
C93	Hoffman	Michelle and 11 signatures
C94	Hoge	Yun-Fan
C95	Holt	Bob
C96	Hughen	Tyler
C97	Hunter	Francis and Linda Angus-Hunter
C98	Irwin	Bob and Sandy
C99	Jacquet	Jerry
C100	Jansen	Paul
C101	Jennings	Donna
C102	Jensen	Greg
C103	Johnson	Brandon

CITIZEN COMMENT LETTERS		
ID #	Last name	First name
C104	Johnson??	Deborah
C105	Jones	Michael
C106	Jones	Donald and Debra
C107	Kantorovich	Greg and Elizabeth
C108	Kearney	Adria
C109	Kegl?	Will
C110	Kelly	BJ
C111	Kleinrath	Olivia
C112	Knight	Betty
C113	Knight	Betty
C114	Knuttila	Barry
C115	Krichmar	Jeffery and Trina Norden-Krichmar
C116	LaCasse	Stefan
C117	LaCasse	Roger and Sophie
C118	Laks	Larry
C119	Lande	Kim
C120	Lang	Teri
C121	Lang	Chuck
C122	Lang	Chuck
C123	Lasswell	Bob
C124	Laur	Meghan and Dan Jaoudi
C125	Leatham	Jim
C126	Ledinsky	David
C127	Lehman	Tobias and Sara Salisbury
C128	Levin	Michael and Shea
C129	Lihurster??	Eleanor
C130	Lindsay	James
C131	Lochner	Rich
C132	Lyles	Alice
C133	Lyles	Alice
C134	Macaluso	Nicole
C135	Mallory	Morgan and Brenda Dizon
C136	Martin	Kyle
C137	Martin	Alexis
C138	Martinez	Kathie
C139	Mateo	Zepeda
C140	Matsumoto	John
C141	Matsumoto	Debbie
C142	Mayers	Rob
C143	Mayne	Lori
C144	McCabe	Tom
C145	McCuffray	Bill and 9 signatures
C146	Méndez	Roberto
C147	Merritt	Sidney Kathryn
C148	Mertz ?	Sara
C149	Miles	Gordon
C150	Miller	Jim
C151	Moffett	Stephen
C152	Montgomery	Scott
C153	Morrison	Shawn
C154	Murray	Barbara
C155	Myslewicz	Jennifer

CITIZEN COMMENT LETTERS		
ID #	Last name	First name
C156	Noonan	Kurtney
C157	Norsworthy	Steven
C158	O'Conner	Clint
C159	O'Conner	Patrick
C160	O'Laughlin	Phyllis
C161	Oblon	Mary Beth
C162	Oesterlye	Andy and Family
C163	Ogata	Judy and Ron
C164	Owens	Mark
C165	Parshalle	Jeff
C166	Parshalle	Jeff
C167	Patten	Kimberly
C168	Peters	Donna
C169	Peters	Jerry
C170	Ponizil	Dadla
C171	Pultz	William
C172	Pynes	Shawn and Erin
C173	Rawlinson	Jon
C174	Reilly	Dan and Elaine
C175	Renteria	Gina
C176	Rothe	Ditmar
C177	Russell	Alan
C178	Saacks	David
C179	Saacks	David
C180	Saacks	David
C181	Saacks	David
C182	Saik	Barrett
C183	Sasso	Donna Sasso and Maxine
C184	Schulman	Martin
C185	Schwaebe	Cerc
C186	Schwartz	Bernie
C187	Sedgwick-Billimoria	Barbara
C188	Sherman	Jim
C189	Smith	Tricia
C190	Smith	Jean
C191	Sodomka	Gerald
C192	Sordal?	Victor
C193	Southard	Tatiana
C194	Stahl	Kenneth
C195	Staley	Jed
C196	Stefanko	Collette
C197	Stern	William
C198	Stern	Peter
C199	Stevenson	Constance
C200	Stewart	Barbara
C201	Stoner	Paul
C202	Stoner	P.
C203	Strother?	Meade
C204	Stuck	Amy
C205	Swortwood	Heather
C206	Swortwood	Chris and 23 signatures
C207	Tarapasky	Gordon

CITIZEN COMMENT LETTERS		
ID #	Last name	First name
C208	Taylor	Jesse
C209	Thomas	William and Christina
C210	Thompson	Arlene
C211	Timpson	Jeff
C212	Timpson	Zane
C213	Tinney	Troy
C214	Vejar	Shannon
C215	Vejar	Shannon and Chris
C216	Walsh	Mike
C217	Wang	James
C218	Wang	James
C219	Wang	Jim
C220	Wanner	Susan and 5 signatures
C221	Watson	Dede and Raleigh
C222	Welch	William and Kendall
C223	Welsh	Lesley
C224	Westbrook	Donna
C225	Whitehouse	Carolyn
C226	Wilson ??	Turi
C227	Wirth	Terry
C228	Witter	Carroll
C229	Wittmack	James
C230	Wolfe	Anne
C231	Wolfe	Denny
C232	Wolfe	Denny
C233	Zaayer	Jennifer
C234	Zepeda	Carlos
C235	Zimmerman	Una
C236	???	Julie
C237	???	???
C238	Foreman	Mark and Jan
C239	Gibson	Randall
C240	Munez?	Lindy?
C241	Radcliffe	Francis?
C242	Gibbs	Terry and James Shook
C243	Macan	Julie
C244	MacPhee	Robert
C245	Myers	Mitch
C246	Popescu	Sandra
C247	Rosso-Knight	Laura
C248	Schulman	Martin and Tarra
C249	Scott	Todd

PETITIONS	
ID #	Petitioning Group
D1	Denny Wolfe – 305 signatures
D2	San Dieguito ASA Softball – 39 signatures
D3	Mackinnon Avenue Residents (Charles Evendorff) – 28 signatures
D4	Encinitas Soccer League – 693 signatures
D5	Encinitas Soccer League – 95 signatures
D6	Encinitas Soccer League – 66 signatures

**ORGANIZATION OF VERBAL COMMENTS  
MARCH 1, 2007**

<b>VERBAL COMMENTS PLANNING COMMISSION WORKSHOP - MARCH 1, 2007</b>	
<b>ID #</b>	<b>Commentor</b>
PC1	Kelly Baggins
PC2	Bob Bonde
PC3	Gerald Sodomka
PC4	Scott Henry
PC5	Denny Wolfe
PC6	Jerry Jacquet
PC7	David Saacks
PC8	Robert Holt
PC9	Jim Wang
PC10	Connie Stevenson
PC11	Kim Lande
PC12	Louis Bunn
PC13	Gordon Miles
PC14	Tricia Smith
PC15	Keena Thomas
PC16	Rod Anderson
PC17	Paul Jansen
PC18	Brian Buckholtz
PC19	Peter Stern
PC20	Scott Bostick
PC21	Gary Cohn
PC22	Conrad Baumgartner
PC23	Bob Lasswell
PC24	Nancy DeGhionno
PC25	Jed Staley
PC26	Kyle Martin
PC27	Steven Norsworthy
PC28	Tom McCabe
PC29	Toni DeCarlo
PC30	Lynn Leschutz
PC31	Jay Stoffel
PC32	Sheri Hines
PC33	Gina Renteria
PC34	John Georgeson
PC35	Marie Dardarian
PC36	John Bromstad
PC37	BJ Kelly
PC38	Leslie Anderson
PC39	Jeff Parshalle
PC40	Karen Sawchenko
PC41	Peter Orr

**ORGANIZATION OF PUBLIC COMMENTS  
SUPPLEMENTAL INFORMATION CIRCULATION**

<b>AGENCY COMMENT LETTERS</b>	
<b>ID #</b>	<b>Agency</b>
S1	California Department of Transportation
S2	Department of Toxic Substance Control
S3	Native American Heritage Commission
S4	Office of Planning and Research, State Clearinghouse

<b>COMMUNITY GROUP COMMENT LETTERS</b>		
<b>ID #</b>	<b>Community Group</b>	<b>Author</b>
S5	Citizens for Quality of Life	SWAPE, Matt Hagemann

<b>CITIZEN COMMENT LETTERS</b>		
<b>ID #</b>	<b>Last name</b>	<b>First name</b>
S6	Baker	Dewey
S7	Baker	Mary
S8	Bond	Diane
S9	Bond	Diane
S10	Dardarian	Marie
S11	Gran	Pamela
S12	Marr	Lynn Braun and Russell
S13	Martin	Kyle
S14	O'Connor	Patrick
S15	Rothe	Dietmar
S16	Sodomka	Gerald
S17	Stern	Peter
S18	Thompson	Debbie

## DEPARTMENT OF TRANSPORTATION

District 11 · 4050 Taylor St. · M.S. 240  
 San Diego, CA 92110-2737  
 PHONE (619) 688-6003  
 FAX (619) 688-4299  
 TTY (619) 688-3214



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## RESPONSE TO COMMENTS HALL PROPERTY COMMUNITY PARK

March 12, 2007

**11-SD-005  
 PM 40.6**

Mr. Scott Vurbef  
 City of Encinitas – Planning & Building Dept.  
 505 S. Vulcan Ave.  
 Encinitas, CA 92024-3633

RE: **Hall Property Community Park – Draft EIR (SCH 2004121126)**

Dear Mr. Vurbef:

The California Department of Transportation (Caltrans) appreciates the opportunity to review the Draft Environmental Impact Report (EIR) for the proposed Hall Property Community Park project, located on approximately 44 acres immediately west and adjacent to the Interstate 5 (I-5) Right of Way (R/W), south of Santa Fe Drive in the City of Encinitas. This park project proposes a variety of passive and active recreational uses including athletic fields, an amphitheater, basketball court, skate park, and a dog park.

According to the Traffic and Circulation section of the EIR (Chapter 3.2), the following three State-owned intersections would operate at Level of Service (LOS) 'F' and therefore experience a significant impact with the proposed project:

- I-5 southbound (SB) ramps / Santa Fe Drive
- I-5 northbound (NB) ramps / Birmingham Drive
- I-5 southbound (SB) ramps / Birmingham Drive

Caltrans disagrees with the statement in the Draft EIR that it is not feasible for the City of Encinitas to implement mitigation measures necessary to address the significant impacts at the previously mentioned intersections. The EIR states that improvements associated with the I-5 North Coast Corridor project would fully mitigate the project's significant impacts at these interchanges. Although the process of planning and designing the I-5 North Coast Corridor Project is underway, the project is not currently funded or programmed. No environmental document has been prepared for I-5 North Coast, and no preferred alternative has been selected. Due to the uncertainties of the funding and environmental approval process, the precise fate or timing of the I-5 North Coast project is unknown at this time.

A1-1

A1-1

This comment introduces the letter from the Department of Transportation, and notes specific findings of the EIR traffic analysis. No comments on the analysis of the EIR are included in this comment, therefore no further response is necessary.

A1-2

A1-2

Refer to Comment #A1-5.

Caltrans continues to work with the City of Encinitas so that the design of I-5 North Coast does not preclude the City's plans for interchanges at Santa Fe and Birmingham Drives, including roundabouts – should that be the design which the City prefers. However, the I-5 North Coast project will not include construction of off-site improvements but merely accommodate the City's plans for those interchanges. Caltrans anticipates continues coordination with the City on the planning and design of the interchanges at I-5 / Santa Fe Drive and I-5 / Birmingham Drive.

As mentioned in the EIR, funding for large transportation projects such as I-5 North Coast comes from a variety of sources including the TransNet sales tax as well as federal, state, and local government sources. Caltrans is coordinating design, funding, and construction for I-5 widening, however these improvements cannot be assumed to be fully funded at this time. The \$3 billion in TransNet Early Action Program funds referred to in the EIR is intended for several corridors in San Diego, not just I-5 exclusively. The \$1.4 billion referred to as available funding is merely an estimate of the cost of constructing the I-5 North Coast project; again, however, this dollar amount has not yet been allocated or programmed.

Developer contributions through "fair share" mitigation for new project impacts are an important source of funding for improvement costs and/or other mitigation measures due to traffic impacts created by developments. Caltrans recommends that the City of Encinitas implement mitigation and/or provide "fair share" mitigation contributions which will reduce the level of impact resulting from the proposed park project below the level of significance. Caltrans does not recommend that the City wait for improvements from the I-5 North Coast project which remains an uncertainty at this time.

Any work performed within Caltrans R/W will require an encroachment permit. Early coordination with Caltrans is strongly advised for all encroachment permits. Furthermore, any work or improvements within Caltrans R/W must be included in the project's environmental studies. The developer is responsible for quantifying the environmental impacts of the improvements (project level analysis) and completing all appropriate mitigation measures for those impacts. The indirect effects of any mitigation within Caltrans R/W must also be addressed. The developer is responsible for procuring any necessary permits or approvals for improvements from the appropriate regulatory and resource agencies. Grading which would divert drainage from this proposed project and cause increased runoff to existing State facilities (e.g., I-5 R/W) will not be allowed. Additional information regarding encroachment permits may be obtained by contacting the Caltrans Permits Office at (619) 688-6158.

A1-3

A1-3

The commentor notes that Caltrans continues to work with the City of Encinitas on the design of interchanges, including those at Santa Fe Drive and Birmingham Drive, but that the I-5 North Coast project does not include construction of off-site improvements for these interchanges. At this time, preliminary improvement plans at the Santa Fe Drive and Birmingham Drive interchanges do not propose improvements beyond the proposed Interstate 5 right-of-way.

A1-4

A1-4

The commentor summarizes funding information for the I-5 North Coast project, and notes that the \$1.4 billion figure noted in the Draft EIR for the estimated total available funding as of 2005 for operational and additional highway lanes (e.g., page 3.2-23) is merely an estimate of the cost of construction the I-5 North Coast project. Page 3.2-23 of the Draft EIR has been revised in Chapter 2 of this Final EIR in order to respond to this comment. While this comment provides important clarification, it does not change the findings of the Draft EIR, and no further response is required.

A1-5

A1-5

The EIR's traffic mitigation measures have been revised to require the City to provide fair share contributions towards future improvements of Interstate 5 on/off ramp interchanges at Santa Fe Drive and Birmingham Drive. These contributions would be provided by the City prior to construction of the interchange improvements. The EIR indicates that, even with provision of the fair share contributions, the near-term cumulative impacts (2010) at the interchanges would not be mitigated below a level of significance. Nonetheless, it is reasonable to assume that the future interchange improvements will be implemented before 2030 in order to mitigate long-term cumulative impacts. SANDAG's 2030 Regional Transportation Plan forecasts that, by 2020, the I-5 North Coast widening project will add four managed lanes to the section of I-5 that runs through Encinitas, as part of the adopted plan's Revenue Constrained and Reasonably Expected Revenue scenarios (see SANDAG 2007 RTP, Pathways For the Future, Appendix A). The I-5 widening, which will include the addition of four managed lanes, would necessitate improvements to the interchanges that include freeway ramp intersections. Furthermore, through on-going coordination with Caltrans, the City has spent roughly \$0.6 million on the preparation of preliminary interchange designs within Encinitas, which Caltrans is currently reviewing as part of the I-5 widening project. Because these improvements are reasonably foreseeable, they are included in the EIR's consideration of 2030 traffic impacts.

A1-6

A1-6

It is acknowledged that any work performed within the Caltrans right-of-way would require an encroachment permit. Development of the proposed cul-de-sac at Mackinnon Avenue near the project's southern access point would require encroachment within the Caltrans right-of-way. Less than half (3,800+/- square feet) of the cul-de-sac bulb area would be constructed within the right-of-way, and most of this area (3,300+/- square feet) is within the existing Mackinnon Avenue travel way, which is maintained by the city under agreement with Caltrans. For the "Through Access on Mackinnon Avenue Alternative" (see Figure 7-1 of the EIR), approximately 575 square feet of the project's southern driveway access would be constructed within the Caltrans right-of-way. For either alternative access, the area of encroachment within the Caltrans right-of-way consists of either paved travel way or disturbed ruderal vegetation. No project mitigation measures are warranted for encroachment within these areas. Moreover, the project access for either alternative and the entire project would be designed to direct surface runoff away from the Caltrans right-of-way.

Mr. Scott Vurbeff  
March 12, 2007  
Page 3

The proposed drainage system onsite must have adequate capacity such that flow will not be diverted onto Caltrans R/W. Grading for this proposed project which would modify existing drainage and increase runoff to State facilities will not be allowed. All signs visible to traffic on I-5 will need to be constructed in compliance with State and County regulations. All lighting (including reflected sunlight) within this project should be placed and/or shielded so as not to be hazardous to vehicles traveling on I-5.

A1-6

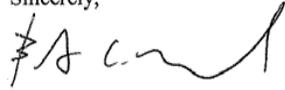
A1-7

A1-8

Caltrans appreciates the opportunity to review this project proposal. For questions regarding the Department's comments, please contact Brent C. McDonald at (619) 688-6819.

A1-9

Sincerely,



 AL COX, Acting Chief  
Development Review Branch

A1-7

The commentor notes that all signs visible to traffic on I-5 will need to be constructed in compliance with State and County regulations. Project signs would be sized for park users and would not be readily visible to freeway travelers.

A1-8

Section 3.5.5 of the EIR provides mitigation measures that would require shielding and adjusting of project lighting to ensure that discomfort glare and significant light trespass do not occur on adjacent properties. In addition, project structures and parking lot surfaces would be required to have matte or dull finishes with reflectance values no greater than 20 percent.

A1-9

These comments will be provided to the city's decision-makers for consideration when they take action on the proposed project. No specific comment on the EIR is provided within this comment and no response is necessary.

c: BMcDonald Planning MS-240  
AJacobo PPM MS-122  
MKharrati Design MS-333  
KJewel Frwy. Ops. MS-230  
JMarkey Permits MS-110  
SMorgan State ClearingHouse(SCH)

## 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](http://www.nahc.ca.gov)  
 e-mail: [ds\\_nahc@pacbell.net](mailto:ds_nahc@pacbell.net)



February 13, 2007

Mr. Scott Vurbef  
**CITY OF ENCINITAS**  
 505 S. Vulcan Avenue  
 Encinitas, CA 92024

Re: SCH#2004121126; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for Hall Property Community Park Program Project; City of Encinitas; San Diego County, California

Dear Mr. Vurbef:

Thank you for the opportunity to comment on the above-referenced document. The Native American Heritage Commission is the state's Trustee Agency for Native American Cultural Resources. The California Environmental Quality Act (CEQA) 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 CEQA guidelines § 15064.5(b)(c). 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. To adequately assess the project-related impacts on historical resources, the Commission recommends the following action:

- √ Contact the appropriate California Historic Resources Information Center (CHRIS). Contact information for the Information Center nearest you is available from the State Office of Historic Preservation (916/653-7278)/ <http://www.ohp.parks.ca.gov/1068/files/IC%20Roster.pdf>. The record search will determine:
  - If a part or the entire APE has been previously surveyed for cultural resources.
  - If any known cultural resources have already been recorded in or adjacent to the APE.
  - If the probability is low, moderate, or high that cultural resources are located in the APE.
  - If a survey is required to determine whether previously unrecorded cultural resources are present.
- √ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
  - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.
- √ Contact the Native American Heritage Commission (NAHC) for:
  - \* A Sacred Lands File (SLF) search of the project area and information on tribal contacts in the project vicinity that may have additional cultural resource information. Please provide this office with the following citation format to assist with the Sacred Lands File search request: USGS 7.5-minute quadrangle citation with name, township, range and section.
  - The NAHC advises the use of Native American Monitors to ensure proper identification and care given cultural resources that may be discovered. The NAHC recommends that contact be made with Native American Contacts on the attached list to get their input on potential project impact (APE).
- √ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
  - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5 (f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
  - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
- √ Lead agencies should include provisions for discovery of Native American human remains or unmarked cemeteries in their mitigation plans.

A2-1

A2-1

Cultural resource impacts of the project are addressed in Section 3.10 of the EIR. A cultural resources assessment was prepared for the project (EIR Technical Appendices, Appendix N). The assessment conducted a record search, which identified no significant recorded resources on the project site. In addition, an archeologist's survey of the site did not identify the presence of any significant cultural resources. Nonetheless, Section 3.10.5 of the EIR provides mitigation measures that require construction monitoring to be conducted by a qualified archaeologist during ground-disturbing activities. If a potential cultural resource is encountered during these activities, work would be halted in the affected area and the resource would be assessed for significance. If a significant resource is identified, a data recovery plan would be implemented by the archaeologist.

\* CEQA Guidelines, Section 15064.5(d) requires the lead agency to work with the Native Americans identified by this Commission if the initial Study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American, identified by the NAHC, to assure the appropriate and dignified treatment of Native American human remains and any associated grave liens.

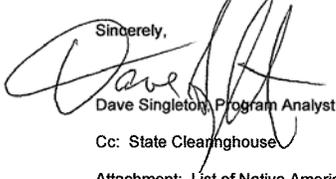
√ Health and Safety Code §7050.5, Public Resources Code §5097.98 and Sec. §15064.5 (d) of the CEQA Guidelines mandate procedures to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

√ Lead agencies should consider avoidance, as defined in § 15370 of the CEQA Guidelines, when significant cultural resources are discovered during the course of project planning.

A2-1

Please feel free to contact me at (916) 653-6251 if you have any questions.

Sincerely,



Dave Singleton, Program Analyst

Cc: State Clearinghouse

Attachment: List of Native American Contacts

**Native American Contacts**  
San Diego County  
February 13, 2007

Kumeyaay Cultural Historic Committee  
Ron Christman  
56 Viejas Grade Road      Diegueno/Kumeyaay  
Alpine, CA 92001  
(619) 445-0385

San Luis Rey Band of Mission Indians  
Russell Romo, Chairman  
12064 Old Pomerado Road      Luiseno  
Poway, CA 92064  
(858) 748-1586

Kumeyaay Cultural Heritage Preservation  
Paul Cuero  
36190 Church Road, Suite 5      Diegueno/ Kumeyaay  
Campo, CA 91906

San Luis Rey Band of Mission Indians  
Carmen Mojado, Co-Chair  
1889 Sunset Dr.      Luiseno  
Vista, CA 92081

(619) 478-9046  
(619) 478-9505  
(619) 478-5818 Fax

Kwaaymii Laguna Band of Mission Indians  
Carmen Lucas  
P.O. Box 775      Diegueno -  
Pine Valley, CA 91962

San Luis Rey Band of Mission Indians  
Mark Mojado, Cultural Resources  
P.O. Box 1      Luiseno  
Pala, CA 92059      Cupeno  
(760) 742-4468  
(760) 586-4858 (cell)

Kumeyaay Cultural Repatriation Committee  
Steve Banegas, Spokesperson  
1095 Barona Road      Diegueno/Kumeyaay  
Lakeside, CA 92040

Clint Linton  
P.O. Box 507      Diegueno/Kumeyaay  
Santa Ysabel, CA 92070  
(760) 803-5694  
cjlinton73@aol.com

(619) 443-6612  
(619) 443-0681 FAX

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

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

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2004121126; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for Hali Property Community Park Program Project; City of Encinitas; San Diego County, California.