APPENDIX G

COMMENTS AND RESPONSES TO COMMENTS RECEIVED ON THE DRAFT MND

STATE OF CALIFORNIA — Arnold Schwarzenegger, *Governor*

NATIVE AMERICAN HERITAGE COMMISSION
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January 12, 2007

Mr. Michael Krause, Air Quality Specialist
SOUTH COAAST AIR QUALITY MANAGEMENT DISTRICT
21865 Copley Drive
Diamond Bar, CA 91765-4178

Re: SCH#2006121113; CEQA Notice of Completion; notice of Intent to Adopt a Mitigated Negative Declaration) for **Southern California Edison Center Peaker Project, Norwalk)**; South Coast Air Quality Management District; Los Angeles County, California

Dear Mr. Krause:

1-1 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 archeological resources, is a 'significant effect' requiring the

1-2 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). The record search will

1-3 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.

1-4

- The final report containing site forms, site significance, and mitigation measurers 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 pubic 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:

1-5

* A Sacred Lands File (SLF) search of the project area and information on tribal contacts in the project vicinity who 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.

1-6

- 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

1-7 in their mitigation plans.

1-8 * 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.

1-9 √ 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.

1-10 √ 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.

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
Los Angeles County
January 12, 2007

\ City/County Native American Indian Comm
)n Andrade, Director
75 West 6th Street, Rm. 403
)s Angeles , CA 90020

13) 351-5324

13) 386-3995 FAX

Ti'At Society
Cindi Alvitre
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Reseda , CA 91335
pimugirl@aol.com
(714) 504-2468 Cell

abrieleno/Tongva Tribal Council
1thony Morales, Chairperson
O Box 693 Gabrielino Tongva
an Gabriel , CA 91778

26) 286-1632
26) 286-1758 - Home
;26) 286-1262 Fax

Gabrielino Tongva Indians of California Tribal Council
Robert Dorame, Tribal Chair/Cultural Resources
5450 Slauson, Ave. Suite 151 PMB Gabrielino Tongva
Culver City , CA 90230
gtongva@earthlink.
562-761-6417 - voice

562-920-9449 - fax

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

Distribution of this list does not relieve any person of statutory responsibilitiey as defined in Sec. 7050,5 of the Health & Safety Code, Sec. 5097.94 of the Public Resources Code and Sec. 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#2006121113; CEQA Notice of Completion; Notice of Intent to Adopt a Mitigated Negative Declaration for SOUTHERN CALIFORNIA EDISON CENTER PEAKER PROJECT, NORWALK; South Coast Air Quality Management District; Los Angeles County, California.

Response to Comments from Native American Heritage Commission Correspondence Dated January 12, 2007

Response 1-1

The SCAQMD notes that the Native American Heritage Commission (NAHC) is the state's Trustee Agency for Native American Cultural Resources.

Response 1-2

The SCAQMD is aware of the requirements of CEQA Guidelines §15064.5 and has included those requirements in the significance criteria for the evaluation of potential impacts to cultural resources, as stated on pages 2-35 and 2-36 of the Draft MND. As discussed in the responses to comments 1-3 through 1-5, potential significant adverse impacts on cultural resources were assessed in the Draft MND. Based on this assessment, potential significant adverse impacts on cultural resources are not anticipated. However, mitigation measures were identified in the Draft MND to reduce potential adverse impacts to a less than significant level in the event that cultural resources are discovered during construction of the proposed project.

Response 1-3

As discussed on page 2-36 and in Appendix E of the Draft MND, a record search for previously recorded cultural resources within the project area was conducted by a qualified archaeologist on September 15, 2006 at the California Historical Resources Information System (CHRIS), South Central Coastal Information Center (SCCIC), University of California, Fullerton. The record search showed there were no previously recorded cultural resources within the project area. Thus, the analysis in the Draft MND is consistent with the recommendations in the comment.

Response 1-4

As discussed on page 2-36 and in Appendix E of the Draft MND, a pedestrian field survey was completed on the proposed project site by a qualified archaeologist. The field survey for the proposed peaker location at the Center Substation revealed the entire location had been previously disturbed by grading and graveling. The area proposed for the peaker location is currently used as a parking lot and for equipment storage. The areas that will potentially be used as laydown areas are currently used as equipment storage, for office trailers, a parking lot, a driveway, and open area. The project area was surveyed with special attention given to the eastern perimeter, as this area was the least disturbed. No new cultural resources were located during the survey. Because review of the relevant databases and field survey turned up no cultural resources, no further archaeological studies are warranted or necessary at this time for the proposed peaker location at the Center Substation.

Because it will be constructed within existing disturbed ground, and the required trenching is shallow (36 to 42 inches), the pipeline construction is unlikely to cause a substantial adverse change in the significance of a historical or archaeological resource.

Thus, the analysis in the Draft MND is consistent with the recommendations in the comment.

Response 1-5

As described on pages E-5 and E-6 of Appendix E of the Draft MND, a letter to the NAHC was sent on September 26, 2006. The letter described the project and requested a review of the Sacred Lands Inventory for the areas within and adjacent to the project site. The letter also requested a list of potentially interested Native American tribes, groups, and individuals for the project area. The NAHC responded with a letter dated October 6, 2006. The record search of the sacred land files did not indicate the presence of any Native American cultural resources in the immediate project area. Thus, the analysis in the Draft MND is consistent with the recommendations in the comment.

Response 1-6

The SCAQMD is aware that lack of surface evidence does not preclude subsurface existence of archaeological resources. As described on page 2-37 of the Draft MND, while the likelihood of encountering cultural resources is low, there is still a potential that additional buried archaeological resources may exist, and such resources conceivably could be adversely affected by ground disturbance associated with construction of the proposed project. Any such impact would be considered significant, but would be reduced to less-than-significant with implementation of the mitigation measures identified on page 2-37 of the Draft MND. These mitigation measures include: 1) conducting a cultural resources orientation for construction workers involved in excavation activities; 2) monitoring subsurface earth disturbance by a professional archaeologist and a Gabrielino/Tongva representative if cultural resources are exposed during construction; and 3) providing the archaeological monitor with the authority to temporarily halt or redirect earth disturbance work in the vicinity of cultural resources exposed during construction, so the find can be evaluated and mitigated as appropriate. Thus, the mitigation measures identified in the Draft MND are consistent with the recommendations in the comment.

Response 1-7

Mitigation measure CR-4, on page 2-38, specifies the NAHC is to be notified if human remains are discovered and they are determined to be of Native American descent.

Response 1-8

As stated in Responses 1-3 through 1-5, the Draft MND did not identify the presence or likely presence of Native American human remains. Therefore, agreements with Native Americans to assure appropriate treatment of Native American human remains are not required unless Native American human remains are discovered during site excavation.

Response 1-9

Mitigation measure CR-4 identifies the requirement to prevent further disturbance if human remains are unearthed, until the County Coroner has made the necessary findings with respect to

origin and disposition, as required by Public Resources Code 5097.98-99 and Health and Safety Code 7050.5.

Response 1-10

CEQA Guidelines §15370(a) defines avoidance as: "Avoiding the impact altogether by not taking a certain action or parts of an action." As stated in Response 1-3 through 1-5, the Draft MND did not identify the presence or likely presence of Native American human remains. Therefore, specific actions to avoid potential impacts to cultural resources by not taking a certain action or parts of an action are not necessary at this time because surveys of relevant data bases did not identify evidence of cultural resources at this site.