

APPENDIX J

*Comment Letters Received and Responses to Comments
Breakwater*

Appendix J

Comment Letters and Responses to Comments

This section addresses comments on the Draft MND raised during the 30-day public review period from November 7, 2011 to December 7, 2011. No new substantial environmental impacts and no increase in the severity of an earlier identified impact have surfaced in responding to these comments. The Draft MND does not require substantial revision, new mitigation, or result in changes to existing mitigation and does not meet the “substantially revised” standard warranting the need for recirculation pursuant to State CEQA Guidelines, Section 15073.5. The previously released Draft MND, this appendix, and the Mitigation Monitoring and Reporting Program (MMRP) constitute the Final MND.

This Final MND consists of the Draft MND and its appendices which were released for public review and comment on November 7, 2011, the notice of intent prepared for the document and distributed for public review (*Appendix I*), comment letters received during the public review period and responses thereto (*Appendix J*), and the final Mitigation Monitoring and Reporting Program (MMRP) for the Breakwater project (*Appendix K*). Minor clarifications were made to the text of the Draft MND as a result of written comments received during the 30-day public review period, as identified in the below written responses to comments.

Index to Response to Comments

Document Letter No.	Agency/Respondent (Date)	Response No.
A	San Diego County Archaeological Society, Inc. (November 9, 2011)	A-1 through A-2
B	Native American Heritage Commission (November 22, 2011)	B-1 through B-5
C	California Department of Transportation, District 11 (December 7, 2011)	C-1 through C-11

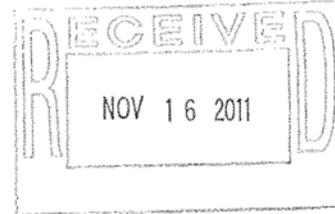
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San Diego County Archaeological Society, Inc.

Environmental Review Committee

9 November 2011



To: Mr. Jim Nakagawa, AICP
Community Development Department
City of Imperial Beach
825 Imperial Beach Boulevard
Imperial Beach, California 91932

Subject: Draft Mitigated Negative Declaration
Breakwater

Dear Mr. Nakagawa:

I have reviewed the subject DMND on behalf of this committee of the San Diego County Archaeological Society.

Based on the information contained in the DMND, we have the following comments:

- 1. The monitoring program required by mitigation measure CR-2 would serve to identify any buried historic resources. Hence, CR-1 is rather redundant, though including it does not conflict and hence is not a problem.
- 2. Mitigation measure CR-2 should be expanded to include a requirement for Native American monitoring as well as archaeological monitoring. It also needs to require report generation, and curation of any cultural material recovered that is not associated with burials.

A-1
A-2

Thank you for the opportunity to review and comment upon this DMND.

Sincerely,

James W. Royle, Jr.
James W. Royle, Jr., Chairperson
Environmental Review Committee

cc: SDCAS President
File

Responses to Comment Letter A
San Diego County Archaeological Society, Inc.
Dated: November 9, 2011

- A-1** The comment agrees that the monitoring program required in Mitigation Measure CR-2 would serve to identify unknown historic resources. The comment is noted.
- A-2** The Native American Heritage Commission (NAHC) conducted a Sacred Lands File search as described in their comment letter on the proposed project (see Letter B, Comment B-2). As indicated, Native American cultural resources were not identified within the project area identified (e.g. the “area of potential effect” or “APE”). Furthermore, as described in Section 4.3.5 of the Draft IS/MND for the Breakwater project, a review of archaeological records for the Imperial Beach area, as described in the Conservation and Open Space Element of the City of Imperial Beach General Plan, indicates that there are presently no identified archaeological sites of major importance within the city limits.

Nonetheless, as described in Section 4.3.5 of the Draft IS/MND for the Breakwater project, construction activities have the potential to impact unknown archaeological resources. By adhering to Mitigation Measure CR-2, the project would minimize or eliminate potential impacts to unknown archaeological resources that may be buried underneath the project site. As described in Mitigation Measure CR-2, treatment of encountered archaeological resources and sites containing human remains shall be conducted in accordance with State Health and Safety Code Section 7050.5 and Public Resources Code 5097.98 (California Health and Safety Code 7050.5 et seq.; California Public Resources Code 5097.9 et seq.), which includes provisions for accidental discovery of archaeological resources during construction and mandates the processes to be followed in the event of an accidental discovery of any human remains not associated with burials (e.g. “dedicated ceremonies”).

In response to this comment, Mitigation Measure CR-2 has been revised in the Final MND to clarify that in the event archaeological resources or sites containing human remains are inadvertently discovered during construction activities, both a registered professional archaeologist and a qualified Native American monitor shall visit the site of discovery and assess the significance and origin of the archaeological resource. Furthermore, as indicated in the response to Comment B-3, the City of Imperial Beach will contact the Native American tribes recommended by the NAHC in order to provide pertinent project information and obtain any input concerning the project site.

STATE OF CALIFORNIA

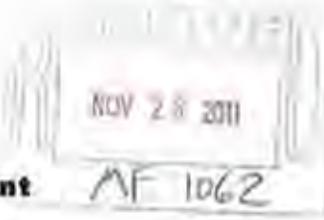
Edmund G. Brown, Jr., Governor

NATIVE AMERICAN HERITAGE COMMISSION

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SACRAMENTO, CA 95814
(916) 653-6251
Fax (916) 657-5390
Web Site www.nahc.ca.gov
e-mail na_hc@pacbell.net



November 22, 2011



Mr. Jim Nakagawa, AICP, Planner
**City of Imperial Beach Community Development
Department**
825 Imperial Beach Boulevard
Imperial Beach, CA 91932

Re: SCH#2011111018 CEQA Notice of Completion; proposed Mitigated Negative Declaration for the "Breakwater (MF-1062) Project" located on south side of Palm Avenue at Intersection of State Route 75; City of Imperial Beach; San Diego County, California

Dear Mr. Nakagawa:

The Native American Heritage Commission (NAHC), the State of California 'Trustee Agency' for the protection and preservation of Native American cultural resources pursuant to California Public Resources Code §21070 and affirmed by the Third Appellate Court in the case of EPIC v. Johnson (1985: 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 NAHC wishes to comment on the proposed project.

This letter includes state and federal statutes relating to Native American historic properties of religious and cultural significance to American Indian tribes and interested Native American individuals as 'consulting parties' under both state and federal law. State law also addresses the freedom of Native American Religious Expression in Public Resources Code §5097.9.

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.

The NAHC Sacred Lands File (SLF) search resulted as follows: **Native American cultural resources were not identified** within the project area identified (e.g. 'area of potential effect' or APE). Also, the absence of archaeological resources does not preclude their existence. . 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.

B-1

B-2

California Government Code §6254 (r). The purpose of this code is to protect such sites from vandalism, theft and destruction. The NAHC 'Sacred Sites,' as defined by the Native American Heritage Commission and the California Legislature in California Public Resources Code §§5097.94(a) and 5097.96. Items in the NAHC Sacred Lands Inventory are confidential and exempt from the Public Records Act pursuant to California Government Code §6254 (r).

B-2
Cont.

Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries of cultural resources or burial sites once a project is underway. Culturally affiliated tribes and individuals may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g. APE). We strongly urge that you make contact with the list of Native American Contacts on the list of Native American contacts, to see if your proposed project might impact Native American cultural resources and to obtain their recommendations concerning the proposed project. Special reference is made to the *Tribal Consultation* requirements of the California 2008 Senate Bill 1059: enabling legislation to the federal Energy Policy Act of 2005 (P.L. 109-58), mandates consultation with Native American tribes (both federally recognized and non federally recognized) where electrically transmission lines are proposed. This is codified in the California Public Resources Code, Chapter 4.3 and §25330 to Division 15.

Furthermore, pursuant to CA Public Resources Code § 5097.95, the NAHC requests that the Native American consulting parties be provided pertinent project information. Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65040.12(e). Pursuant to CA Public Resources Code §5097.95, the NAHC requests that pertinent project information be provided consulting tribal parties. The NAHC recommends *avoidance* as defined by CEQA Guidelines §15370(a) to pursuing a project that would damage or destroy Native American cultural resources and Section 2183.2 that requires documentation, data recovery of cultural resources.

B-3

Consultation with tribes and interested Native American consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA and Section 106 and 4(f) 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 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.'

Confidentiality of "historic properties of religious and cultural significance" should also be considered as protected by California Government Code §6254 (r) and may also be protected under Section 304 of the 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 APEs and possibility threatened by proposed project activity.

B-4

Furthermore, 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'.

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. Regarding tribal consultation, a relationship built around regular meetings and informal involvement with local tribes will lead to more qualitative consultation tribal input on specific projects.

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
Program Analyst

Cc: State Clearinghouse

Attachment: Native American Contact List

↑
B-4
Cont.
B-5
|

California Native American Contacts

San Diego County

November 22, 2011

Barona Group of the Capitan Grande
Edwin Romero, Chairperson
1095 Barona Road Diegueno
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619-443-0681

Kumeyaay Cultural Historic Committee
Ron Christman
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San Pasqual Band of Mission Indians
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(760) 749-3876 Fax

Jamul Indian Village
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Sycuan Band of the Kumeyaay Nation
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Pine Valley , CA 91962
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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 SCH#2011111018; CEQA Notice of Completion; proposed Mitigated Negative Declaration for the Breakwater (MF 1062) Project; located on 4.75-acres on Palm Avenue at the S.R. 75 intersection, in the City of Imperial Beach; San Diego County, California.

California Native American Contacts

San Diego County
November 22, 2011

Inaja Band of Mission Indians
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Ipai Nation of Santa Ysabel
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Ewilaapaayp Tribal Office
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Inter-Tribal Cultural Resource Protection Council
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COM
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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.

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California Native American Contacts
San Diego County
November 22, 2011

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Campo Band of Mission Indians
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36190 Church Road, Suite 1 Diegueno/Kumeyaay
Campo , CA
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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
SCH#2011111018; CEQA Notice of Completion; proposed Mitigated Negative Declaration for the Breakwater (MF 1062) Project; located on
4.75-acres on Palm Avenue at the S.R. 75 Intersection, in the City of Imperial Beach; San Diego County, California.

Responses to Comment Letter B
Native American Heritage Commission
Dated: November 22, 2011

- B-1** The comment is introductory in nature, explaining the role of the Native American Heritage Commission (NAHC) in reviewing the Draft IS/MND for the Breakwater projects, indicating that the letter references state and federal statutes related to Native American historic properties of religious and cultural significance, and summarizing CEQA Guidelines as they relate to the significance of historical resources. This comment is noted. Detailed responses to specific concerns are provided below in the responses to comments B-2 through B-5.
- B-2** The comment states that based on a NAHC Sacred Lands File search, Native American cultural resources were not identified within the project area (e.g. “area of potential effect” or “APE”). The comment also summarizes the intent of the Sacred Land Inventory and provisions related to sites identified as “Sacred Sites” by the NAHC. The information summarized above is appreciated and noted for the project. As further indicated in this comment and as described in Section 4.3.5 of the Draft IS/MND for the Breakwater project, despite a lack of known archeological resources in and around the proposed project site, construction activities have the potential to impact unknown archaeological resources. By adhering to Mitigation Measure CR-2, the project would minimize or eliminate potential impacts to unknown archaeological resources that may be buried underneath the project site.
- B-3** As indicated by the NAHC, Native American cultural resources were not identified within the project area identified (e.g. the “area of potential effect” or “APE”). Furthermore, as described in Section 4.3.5 of the Draft IS/MND for the Breakwater project, a review of archaeological records for the Imperial Beach area, as described in the Conservation and Open Space Element of the City of Imperial Beach General Plan, indicates that there are presently no identified archaeological sites of major importance within the city limits. In response to Comment A-2, Mitigation Measure CR-2 has been revised in the Final MND to clarify that in the event archaeological resources or sites containing human remains are inadvertently discovered during construction activities, both a registered professional archaeologist and a qualified Native American monitor shall visit the site of discovery and assess the significance and origin of the archaeological resource. Furthermore, although the project is not subject to Native American consultation requirements as outlined in California Senate Bill 18 or Section 106 of the National Historic Preservation Act of 1966, the City of Imperial Beach will contact the Native American tribes recommended by the NAHC in order to provide pertinent project information and obtain any input concerning the proposed project site.

- B-4** The comment summarizes certain state and federal statutes related to Native American historic properties of religious and cultural significance. As indicated in this comment and as described in Mitigation Measure CR-2, treatment of encountered archaeological resources and sites containing human remains shall be conducted in accordance with State Health and Safety Code Section 7050.5 and Public Resources Code 5097.98 (California Health and Safety Code 7050.5 et seq.; California Public Resources Code 5097.9 et seq.), which includes provisions for accidental discovery of archaeological resources during construction and mandates the processes to be followed in the event of an accidental discovery of any human remains not associated with burials (e.g. “dedicated ceremonies”). The project will adhere to all relevant state and federal statutes as appropriate, including Public Resources Code Section 5097.98 and California Government Code Section 27491, and Health and Safety Code Section 7050.5.
- B-5** The comment is conclusive in nature, emphasizing the benefit of informal involvement and consultation with local Native American tribes. This comment is noted and appreciated. As described in the response to Comment B-3 above, the City of Imperial Beach will contact the local Native American tribes recommended by the NAHC in an effort to obtain additional relevant input, if any, regarding the project site.

DEPARTMENT OF TRANSPORTATION

DISTRICT 11
4050 TAYLOR STREET, M.S. 240
SAN DIEGO, CA 92110
PHONE (619) 688-6960
FAX (619) 688-4299
TTY 771



Flex your power!
Be energy efficient!

December 7, 2011

11-SD-75
PM 10.57
DMND SCH No. 2011111018

Mr. Jim Nakagawa, AICP
City Planner
Community Development Department
City of Imperial Beach
825 Imperial Beach Blvd.
Imperial Beach, CA 91932

Dear Mr. Nakagawa:

The California Department of Transportation (Caltrans) reviewed the Draft Mitigated Negative Declaration (DMND) for the Sudberry-Palm Avenue, LLC located at 9th and Palm Avenue (State Route 75 [SR-75]) project. Caltrans would like to make the following comments:

- The Caltrans Route Concept Report designates SR-75 as a 4 to 6 lane conventional facility not a 6 lane major arterial through the area of the project. C-1
 - The existing traffic conditions are not adequately modeled in the traffic analysis allowing free flow for the existing eastbound Palm Avenue as it merges into eastbound SR-75. This direction is controlled by the signal to the west. C-2
 - The Level of Service (LOS) at SR-75 and Palm Avenue should not be the only criteria for analysis. Due to the westbound traffic always having green, this will override any negatives in the eastbound directions. Queueing impacts and delay for the eastbound direction is the most appropriate analysis for this intersection. Queueing impacts from intersection on SR-75 or spill back from adjacent intersections may require turn pocket lengths to be increased. C-3
- An operational analysis will need to be provided along with the Caltrans Encroachment Permit submittal to ensure the operational functionality of these signals impacted by the project, including appropriate improvements if necessary. C-3
- Caltrans concurs with the installation of crosswalk delineation across SR-75 for both the west and east side of 9th Street. C-4
 - Allowing a pedestrian refuge island at 9th Street and Palm Avenue will require further analysis and documentation. For this area to be used as a refuge, the minimum width should be 6ft. C-5
 - If any work will be completed as part of this project at the intersection of the SR-75 and 9th Street, the eastbound to southbound maneuver will need to accommodate for Surface C-6

Transportation Assistance Act (STAA) truck turning. Turning vehicles shall not be allowed to encroach on other adjacent lanes, sidewalks, islands, or raised medians.

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C-6
Cont.

Informational Comments:

Hydrology:

During the Caltrans permit process, Caltrans Hydraulics will require the following information for review:

- Pipe analysis of all pipes upstream and downstream of Caltrans existing 36" CMP pipe system that cross near station 594+80.
- Hydrology for all inlets draining to this Caltrans system.
- Hydraulic grade line, energy grade line, water velocity inside the pipes and at the outlet.
- Pipe profiles that include flowline, inlet types, top of inlets elevation.
- Spread width calculations and inlet intercept calculations.

C-7

Water Quality:

During the Caltrans permit process, the following information will need to be reviewed:

- Permanent Treatment Best Management Practices (BMP) need to follow the City of Imperial Beach National Pollutant Discharge Elimination System (NPDES) requirements.
- Temporary Water Pollution Control Plans (WPCP).
- Copy of the Storm Water Pollution Prevention Plan (SWPP).
- Drainage Plans

C-8

Any work performed within Caltrans right-of-way (R/W) will require discretionary review and approval by Caltrans and an encroachment permit will be required for any work within the Caltrans' R/W prior to construction. Current policy allows Highway Improvement Projects costing \$1 million or less to follow the Caltrans Encroachment Permit process. Highway Improvement Projects costing greater than \$1 million but less than \$3 million would be allowed to follow a streamlined project development process similar to the Caltrans Encroachment Permit process. In order to determine the appropriate permit processing of projects funded by others, it is recommended the concept and project approval for work to be done on the State Highway System be evaluated through the completion of a Permit Engineering Evaluation Report (PEER). A PEER should always be prepared, regardless of the cost of improvements, when new operating improvements are constructed by the permittee that become part of the State Highway System. These include but are not limited to, signalization, channelization, turn pockets, widening, realignment, public road connections, and bike paths and lanes. After approval of the PEER and necessary application and supporting documentation an encroachment permit can be issued.

C-9

As part of the encroachment permit process, the applicant must provide an approved final environmental document including the California Environmental Quality Act (CEQA) determination addressing any environmental impacts within the Caltrans' R/W, and any corresponding technical studies. If these materials are not included with the encroachment permit

Mr. Jim Nakagawa
December 7, 2011
Page 3

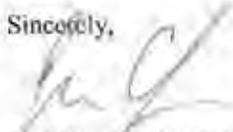
application, the applicant will be required to acquire and provide these to Caltrans before the permit application will be accepted. Identification of avoidance and/or mitigation measures will be a condition of the encroachment permit approval as well as procurement of any necessary regulatory and resource agency permits. Encroachment permit submittals that are incomplete can result in significant delays in permit approval.

Improvement plans for construction within State Highway R/W must include the appropriate engineering information consistent with the state code and signed and stamped by a professional engineer registered in the State of California. Caltrans Permit Manual contains a listing of typical information required for project plans. All design and construction must be in conformance with the Americans with Disabilities Act (ADA) requirements.

Additional information regarding encroachment permits may be obtained by contacting the Caltrans Permits Office at (619) 688-6158. Early coordination with Caltrans is strongly advised for all encroachment permits.

If you have any questions or require further information, please contact Anthony Aguirre at (619) 688-3161 or email at anthony.aguirre@dot.ca.gov.

Sincerely,



JACOB M. ARMSTRONG, Chief
Development Review Branch

cc: Justin Schlaefli, Urban Systems Associates, Inc.

↑
C-9
Cont.
C-10
C-11

Responses to Comment Letter C
California Department of Transportation, District 11
Dated: December 7, 2011

C-1 The Traffic Impact Analysis prepared for the Breakwater project utilized functional roadway classifications based on regional standards found in both the Santec/ITE Guidelines and the SANDAG *Congestion Management Program Guidelines* for traffic studies, which outline functional classifications that are slightly different from Caltrans' designations. As such, a Caltrans "conventional facility" as referenced by the commenter would be designated as a "Collector", "Major" or "Prime Arterial" road in the equivalent functional classifications provided by the Santec/ITE and SANDAG guidelines (see also page 3-8 of the Traffic Impact Analysis prepared for the project and provided in *Appendix G*). Consistent with the functional classification designations outlined in the Santec/ITE and SANDAG guidelines, the Traffic Impact Analysis classified and analyzed SR-75 as either a four lane or six lane "Major" road.

Consistent with the Caltrans Route Concept Report referenced in this comment, the Traffic Impact Analysis for the project identifies four (4) lanes on SR-75 between 13th Street and 9th Street, and six (6) lanes on the SR-75 segment between 7th Street and north of Rainbow Drive. The segment of SR-75 between 7th Street and Palm Avenue includes six (6) roadway lanes as described in the Traffic Impact Analysis; however, one of these lanes is an auxiliary lane which turns into a through lane when crossing the intersection of 7th Street and SR-75. For this reason, the Traffic Impact Analysis considered a six-lane classification for SR-75 as the existing roadway condition.

C-2 The Traffic Impact Analysis for the project models the existing traffic condition at Palm Avenue as it merges into eastbound SR-75 as free-flow for purposes of examining delay at the intersection of SR-75 and Palm Avenue. Although traffic movement at this intersection is indirectly controlled by the signalized intersection to the west as stated in the comment, traffic movement at the Palm Avenue/SR-75 intersection remains uncontrolled at the intersection of SR-75/Palm and therefore, for purposes of analyzing this particular intersection, no additional delay was introduced by that movement. The volume and control of the Palm Avenue/SR-75 intersection was taken from existing counts along with signal timing sheets provided by Caltrans.

C-3 As described in the Traffic Impact Analysis for the project, intersection delay and the associated Level of Service (LOS) was utilized for purposes of determining the potential significance of impacts at the studied intersections. In regard to the SR-75/Palm Avenue intersection, traffic moving eastbound on SR-75 at this intersection would not result in an unacceptable LOS operational condition in any of the study scenarios. Nonetheless, as part of the final design for the reconfigured SR-75/Palm Avenue intersection, queuing on

SR-75 will be carefully considered in timing the signal. As stated by the commenter, an operational analysis may be necessary as part of the Caltrans encroachment permitting process in order to verify proper operational functionality of the signals on SR-75 at the project site and to identify any improvements needed to address queuing and/or additional turn pocket storage.

- C-4** The commenter's agreement with the installation of a marked crosswalk across SR-75 on both the west and east sides of the intersection of SR-75 and 9th Street is noted.
- C-5** The comment regarding necessary documentation and minimum dimensions for a potential median refuge at the intersection of SR-75 and 9th Street is noted.
- C-6** The comment outlines requirements for truck turning movements at the intersection of SR-75 and 9th Street. This comment is noted. Truck turn requirements will be considered as part of the Caltrans encroachment permit process.
- C-7** The comment outlines the necessary information that will need to be reviewed during the Caltrans permit process in regard to hydrology. This comment is noted.
- C-8** The comment outlines the necessary information that will need to be reviewed during the Caltrans permit process in regard to water quality. This comment is noted.
- C-9** The comment summarizes components of the Caltrans discretionary review and permitting process, including encroachment permitting requirements for any work within the Caltrans' right-of-way. This comment is noted. The project will adhere to all relevant Caltrans permitting requirements and involve close coordination with Caltrans during the discretionary review and approval process for the necessary encroachment permit. As previously discussed with Caltrans, the current Traffic Impact Analysis prepared for the project will be utilized to meet the requirements of a Project Report (PR) and coordinated with the Permit Engineering Evaluation Report (PEER) submittal in order to obtain the necessary encroachment permit. In addition, a copy of the approved Final Mitigated Negative Declaration (MND) and supporting technical studies, which incorporate mitigation measures to reduce or avoid potentially significant impacts, will be submitted for Caltrans review as part of the encroachment permit process. The Mitigation Monitoring and Reporting Program (MMRP) prepared for the project will be used by the City of Imperial Beach as Lead Agency to ensure compliance with adopted mitigation measures associated with the development of the proposed Breakwater project within the City of Imperial Beach. Pursuant to the State CEQA Guidelines, the City of Imperial Beach will be responsible for ensuring that mitigation measures are implemented

- C-10** The comment summarizes certain state and federal requirements related to the submission of improvement plans for construction with a state right-of-way. The comment is noted. The project will adhere to all relevant state and federal requirements as appropriate, including state codes summarized in the Caltrans Permit Manual and requirements of the Americans with Disabilities Act (ADA).
- C-11** The comment is conclusive in nature, encouraging early coordination with Caltrans during the encroachment permit process and providing additional contact information at Caltrans. This comment is noted.