

BonTerra
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**RESPONSES TO PUBLIC COMMENTS
ON THE
MILTON STREET PARK PROJECT IS/MND
AND
MITIGATION MONITORING AND
REPORTING PROGRAM**

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PROJECT DESCRIPTION

The proposed Milton Street Park Project would involve the construction of a linear park on a 1.2-acre parcel along Milton Street, between Mascagni Street and Westlawn Avenue in the City of Los Angeles. The proposed Project consists of a pedestrian pathway; overlook areas; a 10-foot by 50-foot shade structure; a new access gateway; entry stairs and American with Disabilities Act (ADA) accessible ramp; fencing; native landscaping and irrigation; site furnishings; gabion retaining walls; and interpretive panels. In addition, the proposed project would turn the abutting segment of Milton Street into a "Green Street", which would capture and treat wet and dry weather runoff from the street and park through vegetated storm water curb extensions (VSCEs) along both sides of Milton Street. Furthermore, screen covers would be installed over the two existing storm drains to capture trash and prevent it from entering the Creek.

PUBLIC REVIEW OF IS/MND

The Initial Study/Mitigated Negative Declaration (IS/MND) for the proposed Milton Street Park Project has been completed in accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines. In accordance with Section 15073 of the CEQA Guidelines, a 30-day public review and comment period (from July 23 to August 22, 2012) was established to allow affected and interested agencies with an opportunity to provide input on the IS/MND and the project's environmental review process. The IS/MND was distributed to Responsible and Trustee Agencies, other affected agencies, and interested parties at the start of the review period. In addition, a Notice of Intent to Adopt an MND was published in the *Los Angeles Times* on July 23, 2012. The IS/MND was also made available for viewing at the Los Angeles office of the Mountains Recreation and Conservation Authority (MRCA) and at the MRCA website: www.mrca.ca.gov.

COMMENTS ON IS/MND

During the public review period, a number of written comments were received on the IS/MND and the project. These included the following letters (with the date in parentheses):

- A. Residents Petition (July 24, 2012),
- B. Native American Heritage Commission (August 3, 2012),
- C. Jim Kennedy (August 9, 2012),
- D. James and Mary Cain (August 20, 2012),
- E. Joyce Dillard (August 22, 2012),
- F. Los Angeles County Department of Public Works (August 22, 2012), and
- G. State of California Governor's Office of Planning and Research (August 22, 2102).

RESPONSES TO COMMENTS

The comments on the IS/MND are provided below, with the actual comment letters provided in Attachment A.

Comment Letter A
Residents Petition
July 24, 2012

Comment A1:

Thank you very much for your "notice of intent to adopt a mitigated negative declaration" regarding 12500 Milton Street.

We live directly across Ballona Creek from the proposed site. We are excited that the land will be pretty and inviting for walkers or bike riders. We feel that such a park will be an asset to our neighborhood.

Since the configuration of the creek brings all of the noise from the Marina Jr. High School directly into our homes I am sure the same will be true of your park.

Usually that is not a problem.

Response A1: Comments noted. As discussed in Section 4.12 of the IS/MND, noise impacts during construction would be significant and mitigation has been provided to reduce these impacts to less than significant levels. Long-term noise impacts would be less than significant.

Comment A2:

There is one major concern though. Please do NOT install any lights in your park. Right now it is quiet in the night and we would like to keep it that way. If you were to install lights I know that we would have a lot of undesirable people and drug dealers taking up residency in that spot and it would be a very difficult problem to eradicate.

With no lights undesirables would stay away, we are hoping.

Response A2: As stated on page 4-5 of the IS/MND, the proposed project would not include the installation of new exterior lighting on site or on Milton Street. There are existing streetlights on Milton Street, which will not be altered by the project. Interior lighting would be provided in the storage shed but this shed would not be in use during the nighttime hours.

Comment Letter B
Native American Heritage Commission
August 3, 2012

Comment B1:

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 recommends that the lead agency request that the NAHC do a Sacred Lands File search as part of the careful planning for the proposed project. This area is known to the NAHC to be very culturally sensitive.

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).

Response B1: The IS/MND evaluates the project's potential for cultural resource impacts. As part of this evaluation, the existing setting is discussed and states that the project site is located directly north of levee for the Ballona Creek Channel, which was built in 1935. The on-site soils have been highly disturbed as part of channel construction and likely consist of dredged materials from the creek channel. Soils underlying Milton Street are also highly disturbed due to past construction of the street. As such, archaeological resources are not likely to be present, or those that may remain on site or under the pavement of Milton Street would not be in situ (in their original location). Thus, it is not expected that the site would be considered Sacred Lands and a Sacred Lands File search is not considered necessary.

Comment B2:

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 attached 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. Pursuant to CA Public Resources Code § 5097.95, the NAHC requests cooperation from other public agencies in order 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, including archaeological studies. 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.

Response B2: While the NAHC considers the project area to be “very culturally sensitive” (see Comment B1 above), the project site was built up from dredged materials from the Ballona Creek. Also, construction of the proposed linear park and “Green Street” is not expected to involve excavation beyond the dredged materials. Thus, archaeological resources that may be important to Native American tribes are not likely to be present and would not be disturbed by the project. With no potential for impacts to historic, archaeological and paleontological resources, contact with Native American tribes is not considered necessary. Also, no General Plan or Specific Plan adoption or amendment is needed for the project. Thus, under SB 18, formal consultation with Native American tribes is not required.

Comment B3:

Furthermore, the NAHC if the proposed project is under the jurisdiction of the statutes and regulations of the National Environmental Policy Act (e.g. NEPA; 42 U.S.C. 4321-43351). 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.

Response B3: The project would not utilize federal funds and would not be located on federal land; thus, it is not subject to the National Environmental Policy Act (NEPA) and related federal regulations.

Comment B4:

Furthermore, Public Resources Code Section 5097.98, California Government Code §27491 and Health & Safety Code Section 7050.5 provide for provisions for inadvertent discovery of human remains mandate the processes to be followed in the event of a discovery of human remains in a project location other than a 'dedicated cemetery'.

Response B4: The IS/MND discusses compliance with these State regulations, as they relate to the discovery of human remains, as Regulatory Requirement (RR) 4.5-1 on pages 1-3 and 4-23 of the IS/MND.

Comment B5:

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.

Response B5: See Response B2 above.

Comment B6:

Finally, when Native American cultural sites and/or Native American burial sites are prevalent within the project site, the NAHC recommends 'avoidance' of the site as referenced by CEQA Guidelines Section 15370(a).

Response B6: As indicated on page 4-23 of the IS/MND, previous construction activities on and near the site and on Milton Street have disturbed the natural ground and there is no indication that archaeological, paleontological, or other cultural resources and/or burial sites are present on or near the site and within the depth of potential ground disturbance. In the unlikely event that cultural resources are present, these resources can be preserved and protected by capping with chemically stable soils/sediments since the project is a linear park that would involve limited site improvements. In the event of the discovery of human remains, RR 4.5-1 would be implemented (see Response B4 above).

Comment Letter C
Jim Kennedy
August 9, 2012

Comment C1:

I am submitting my comment in support of the Milton Street park project proposal. I have had a chance to participate in the public review process over the years that the MRCA has been working with the local community on the Milton Street park project proposal. I believe that the MRCA is considering all viable options and has been taking into account public comments. No park project plan is ever perfect, but this park project is absolutely ready to be built.

I would also like to thank the MRCA staff for all their valuable public service. Their other park projects along the Ballona Creek are exemplarily in their planning, execution, and ongoing maintenance. The bike path continues to look better and is safer after each park the MRCA adds to our community.

Response C1: Comment noted. No response is required.

Comment Letter D
James and Mary Cain
August 20, 2012

The majority of the comments from James and Mary Cain were questions regarding the project design and other issues that did not relate to the IS/MND or the environmental impacts of the project. The email string also repeated the comments provided in the attachment to the email. Thus, only comments on environmental issues are provided below, along with the corresponding responses to these comments. Responses to their other questions are contained in the Staff Report.

Comment D1:

We received the *Notice of Intent to Adopt a Mitigated Negative Declaration* about the Mountains Recreation and Conservation Authority (MRCA) Milton Street Park on July 24, 2012. It was not received prior to July 23, the first day of the comment period. We have the following questions and comments on the *Notice of Intent*:

- 1. What are the *potentially significant impacts* referred to in the "Findings:" paragraph on the first page?**

Response D1: The Notice of Intent (NOI) refers to the IS/MND findings that potentially significant impacts related to biological resources and noise would occur during the construction phase of the project, for which mitigation measures have been provided. Impacts would be less than significant after mitigation. Details on the potentially significant impacts are outlined and can be found within the IS/MND document.

Comment D2:

d. How long does it take the newly planted trees to reach their mature height/width/density? If the trees are known to exceed 25', does their planting modify the 2-story, 25-foot height limit of our tract conditions? Those tract conditions assured us that we would always have an unrestricted view of the mountains to the north, at least insofar as above the two-story limitation on Milton Street from the line of sight of our residence. To modify these conditions will not only affect the overall uniform appearance of our tract but will affect our property's value and diminish our enjoyment of the view—a view we had reasonable expectation of keeping, such expectation based on the tract conditions existing at the time we first became residents in 1972.

Response D2: The vegetated stormwater curb extensions and street parkway would be planted with 36-inch western sycamore trees. The mature sizes of the trees vary according to space within planting areas. It is estimated that the height of the trees will be 40 feet tall and 30 feet wide. The tree branches are meant to overlap.

The site is zoned Light Agriculture (A1-1XL), which imposes a 2-story, 30-foot-maximum height limit. However, this standard applies to structures only and not to trees.

The homes on Rosy Circle are about 370 feet away, and their views are already affected by trees and vegetation along the north side of Rosy Circle. Also, Milton Street is approximately nine feet below the elevation of the top of the park project site. Therefore, the adverse effects on the line of sight of residents at the second story windows of homes on Rosy Circle would be limited due to the distance of Milton Street to Rosy Circle; the difference in elevation between Milton Street and the second-story windows; and the expansive views of the mountains available to residences on Rosy Circle. Views of the mountains to the north would remain available from other vantage points and in other directions. Since trees are not considered structures, they would not modify tract conditions.

Comment D3:

7. Has the LAPD and the Sheriff's department reviewed all pertinent plans with regard to any safety/crime concerns? If so, what is their feedback? If not, when will they have an opportunity to review the plans?
8. Do each of the LAPD and the Sheriff's Department understand who owns responsibility for which piece of the Park project?
9. What is the agreement between the City of Los Angeles (for Milton Street in the City) and Los Angeles County (for within the MRCA/County Part) for addressing crime? Fundamentally, if there is a problem in the Park, whom does a resident report it to?

Response D3: The IS/MND has been provided to the Los Angeles Police Department (LAPD), but no comments were received from the LAPD. The LAPD would be responsible for responding to calls for police protection services at the park. As in any emergency situation within the City of Los Angeles, regardless of property owner, if there is an issue in the park, the user would call either 911 or the local police department number (depending on the gravity of the situation). MRCA will provide signage on-site posting the numbers to call in case of an emergency.

Comment D4:

10. Will there be any lighting within the Park?
11. Will any lighting be added to Milton Street?

Response D4: As per Response A2 above, as stated on page 4-5 of the IS/MND, the proposed project would not install any exterior lighting within the park or any new exterior lighting on Milton Street. There are existing streetlights on Milton Street, which will not be altered by the project. Interior lighting would be provided in the storage shed, but this shed would not be in use during the nighttime hours.

Comment D5:

14. How are the comments to the *Notice of Intent* used? That is, what are the next steps for the MRCA and for the community?

Response D5: Public comments received on the IS/MND and the MRCA's responses to the comments will be forwarded to the MRCA Board for consideration prior to adoption of the MND.

After adoption of the MND and approval of the project, MRCA plans to move forward with the Permitting and Construction phase of the project.

Comment Letter E
Joyce Dillard
August 22, 2012

Comment E1:

The proposed project is in a Methane Hazard Zone with exposure to children and senior citizens with sensitivity to dangerous gases including hydrogen sulfide. You state under 4.8 HAZARDS/HAZARDOUS MATERIALS, Less Than Significant Impact *Since no enclosed structures that could lead to high concentrations of methane are proposed with the linear park and "Green Street", no hazards associated with methane exposure or combustion would occur with the project. Impacts would be less than significant.* Playa Del Rey oilfield is known for surface gas emissions. Emissions can occur without a placement of an enclosed structure. What monitoring measures will you employ? What signage will you post to warn of the dangers?

Response E1: The proposed project would not produce methane or hydrogen sulfide. Methane migration to the ground surface at the site and in the surrounding area would not be affected by the proposed project. Similarly, hydrogen sulfide levels in the project area would not be affected by the project. Thus, methane levels and exposure of park users is expected to remain the same as in the existing condition and as is currently occurring in the surrounding area. No monitoring or warning signs are necessary.

Review of the City of Los Angeles's Zone Information Map Access System (ZIMAS)¹ indicates the site is located within the Methane Buffer Zone. LA City Ordinance 175790 outlines the methane mitigation requirements for buildings located in designated Methane Hazard Zones and Methane Buffer Zones. No requirements for landscaped areas, pervious surfaces, walls, and pathways are imposed by this ordinance. The *California Code of Regulations* includes requirements for the control of toxic, flammable and other hazardous gases in confined spaces and underground areas to protect worker safety. The contractor would need to comply with pertinent Occupational Safety and Health Administration (OSHA) and California Division of Occupational Safety and Health (Cal-OSHA) standards, which include worker protection from high methane concentrations, if necessary.

Comment E2:

What considerations have been made, by dangerous gas emissions, to contaminate the water and degrade the water quality? Will this impair any Receiving Waters under the Clean Water Act?

Response E2: The project would not produce toxic gases that could contaminate groundwater or storm water. Storm water would percolate into the landscaped areas of the park with runoff from the site passing through the vegetated stormwater curb extensions on the street for ground percolation and pollutant removal. Runoff from Mascagni Street, Westlawn Avenue, and Milton Street would also be treated at these vegetated stormwater curb

¹ <http://zimas.lacity.org/>

extensions, which is expected to reduce pollutants entering the Ballona Creek. No contributions to the impairment of Ballona Creek will occur with the project.

Comment E3:

At what levels will fire, police and emergency services be staffed and what is the anticipated response time under an emergency situation? What equipment will be onsite?

Response E3: Existing levels of fire, police, and emergency services will remain, as funded by the City of Los Angeles, and would not change because of the project. Emergency response times would also remain the same. No emergency equipment will be provided at the park since no permanent residents or employees would be stationed at the site. The nearest fire hydrant is located at the northwest corner of Milton Street and Mascagni Avenue, a distance of approximately 80 feet from the western end of the project site.

Comment Letter F
Los Angeles County Department of Public Works
August 22, 2012

Comment F1:

Hazards-Flood/Water Quality

The area of the proposed improvement is adjacent to the Ballona Creek which is operated and maintained by the Los Angeles County Flood Control District. Per section 3.3, page 3-3 OPERATIONAL CHARACTERISTICS - "Access to the proposed park would be via Milton Street; the Ballona Creek Bike Path; and the parking area east of the site." If an encroachment, connection or alteration to a Los Angeles County Flood Control District facility is required, please apply for a construction permit from our Land Development Division Permits/Subdivisions Section.

Response F1: Comment noted. Although no work within the County's right-of-way is anticipated at this time, a construction permit from the Los Angeles County Flood Control District would be obtained should any encroachment work on the Ballona Creek Bike Path need to occur.

Comment F2:

Per Exhibits 3-2 and 3-3, the proposed improvements appear to be located on the Ballona Creek levee. The Corps of Engineers must have the opportunity to review and approve the subject proposal prior to its construction.

Response F2: Comment noted. Consultation with the US Army Corps of Engineers has been initiated as part of the planning process. As stated above, no work within the County's Flood Control District Facility is anticipated. All work is occurring on either private land or City street right-of-way.

Comment Letter G
Governor's Office of Planning and Research
August 22, 2012

Comment G1:

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on August 21, 2012, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

Response G1: Responses to the comments contained in the letter from the Native American Heritage Commission (Comment Letter B) are provided above.

Comment G2:

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Response G2: Comment noted. No response is required.

CHANGES TO THE IS/MND

Based on the analysis in the IS/MND, the comments received, and the responses to these comments, no substantial new environmental issues have been raised that have not been adequately addressed in the IS/MND. Also, no changes to the analysis or conclusions of the IS/MND are necessary based on the comments and responses to the comments.

MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

Section 21081.6 of CEQA and Section 15097 of the State CEQA Guidelines require a public agency to adopt a Mitigation Monitoring and Reporting Program (MMRP) for assessing and ensuring the implementation of required mitigation measures applied to proposed projects. Specific reporting and/or monitoring requirements that will be enforced during project implementation shall be adopted simultaneously with final project approval by the responsible decision-maker.

The MMRP for the proposed Milton Street Park project consists of regulatory requirements (RRs) and mitigation measures (MMs) from the IS/MND that will reduce or avoid significant environmental effects associated with project implementation. The RRs and MMs are listed in the first column in the table below, along with the timeframe for implementation of the RR or MM in the second column, the agency or party with primary responsibility for implementing the RR or MM in the third column, and the agency or party with responsibility for monitoring compliance in the fourth column.

**TABLE 1
MILTON STREET PARK
MITIGATION MONITORING AND REPORTING PROGRAM**

Regulatory Requirement/Mitigation Measure	Implementing Action	Implementing Party	Monitoring Action/Monitoring Party
Air Quality			
<p>RR 4.3-1 Project construction shall comply with the South Coast Air Quality Management District's (SCAQMD's) Rule 403, Fugitive Dust, which requires the implementation of best available control measures (BACM) for any activity or man-made condition capable of generating fugitive dust, including, but not limited to, earth-moving activities, construction/demolition activities, disturbed surface area, or heavy- and light-duty vehicular movement. The BACMs shall include, but are not limited to, soil stabilization; watering of surface soils and crushed materials; cover of hauls or provision of freeboard; track-out prevention; limits on vehicle speeds; and wind barriers. Compliance with this rule will result in a reduction in short-term particulate pollutant emissions.</p>	<p>The MRCA Contracts Officer shall include this RR as a note in the Contractor Specifications, and the Contractor shall comply with this regulation during construction activities.</p>	<p>Contractor</p>	<p>Site Inspections by MRCA Chief of Urban and Watershed Projects</p>
Biological Resources			
<p>MM 4.4-1 To the extent feasible, vegetation clearing shall occur prior to February 1. However, if vegetation removal must be initiated between February 1 and August 31, a pre-construction survey for active bird nests shall be conducted by a qualified Biologist three days prior to the commencement of vegetation removal activities. If an active nest is observed, it shall be mapped and a buffer zone shall</p>	<p>The MRCA Contracts Officer shall include this MM as a note in the Contractor Specifications, and the Contractor shall comply with this MM prior to and during construction activities.</p>	<p>Contractor and Biologist</p>	<p>Site Inspections by MRCA Chief of Urban and Watershed Projects and Chief of Natural Resources</p>

**TABLE 1 (continued)
MILTON STREET PARK
MITIGATION MONITORING AND REPORTING PROGRAM**

Regulatory Requirement/Mitigation Measure	Implementing Action	Implementing Party	Monitoring Action/Monitoring Party
<p>be designated and identified to protect the nest; the size of the buffer will be determined by the Biologist based on the species nesting and the level of disturbance. Construction/maintenance activities that could result in the failure of the nest site shall be limited within the buffer until the nest is no longer active, as determined by a qualified Biologist. Once the nest is no longer active, construction/maintenance may proceed within the buffer zone.</p>			
Cultural Resources			
<p>RR 4.5-1 In the event of the discovery of human remains during ground disturbance and excavation activities, compliance with Section 7050.5 of the <i>California Health and Safety Code</i> is required. This regulation states that, if human remains are found during ground-disturbing activities, no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the County Coroner is contacted. The County Coroner shall be notified within 24 hours of the discovery and, within two working days of notification of the discovery, s/he shall determine the appropriate treatment and disposition of the human remains.</p> <p>If the County Coroner determines that the remains are or are believed to be Native American, s/he shall notify the Native American Heritage Commission (NAHC) in Sacramento within 24 hours of the discovery. In addition, Section 5097.98 of the <i>California Public Resources Code</i> states that the NAHC must immediately notify those persons it believes to be the most likely descended from the deceased Native American. The descendants shall complete their inspection within 48 hours of being granted access to the site by the property owner. The property owner shall then determine, in consultation with a designated Native American representative, the final disposition of the human remains (14 California Code of Regulations §15064.5(e)).</p>	<p>The MRCA Contracts Officer shall include this RR as a note in the Contractor Specifications, and the Contractor shall comply with this RR if human remains are discovered during ground disturbance activities.</p>	<p>Contractor</p>	<p>Site Inspections by MRCA Chief of Urban and Watershed Projects and County Coroner(if necessary)</p>

**TABLE 1 (continued)
MILTON STREET PARK
MITIGATION MONITORING AND REPORTING PROGRAM**

Regulatory Requirement/Mitigation Measure	Implementing Action	Implementing Party	Monitoring Action/Monitoring Party
Geology and Soils			
<p>RR 4.6-1 Project design and construction shall comply with the Chapter IX of the City of Los Angeles Municipal Code (also known as the City's Building Code), which regulates the construction, alteration, moving, demolition, repair, maintenance and use of any building or structure within the City. The Building Code includes various building standards to maintain the structural integrity of any building or structure and to promote public safety. The standards include preparation of a site-specific Geotechnical Report for individual projects by registered design professionals for City approval, along with compliance with the Report recommendations as part of the engineering design and construction.</p>	<p>This RR shall be included in the Engineering Plans and as notes in the Contractor Specifications. The Project Engineer shall design the proposed project in accordance with this RR, subject to review and approval during the City's plan check process and for implementation by the Contractor.</p>	<p>Project Engineer and Contractor</p>	<p>Plan Check and Site Inspections by MRCA Contracts Officer and Chief of Urban and Watershed Projects</p>
Hazards and Hazardous Materials			
<p>RR 4.8-1 Construction and maintenance activities for the project shall comply with existing regulations regarding hazardous material use, storage, disposal, and transport so that no major threats to public health and safety are created. These regulations include the Toxic Substance Control Act, the Hazardous Material Transportation Act, the Resource Conservation and Recovery Act, the California Hazardous Waste Control Act, the Certified Unified Program Agency, and the California Accidental Release Prevention Program.</p>	<p>The MRCA Contracts Officer shall include this RR as a note in the Contractor Specifications. The Contractor shall comply with applicable hazardous material regulations during construction and maintenance activities for the proposed project.</p>	<p>Contractor</p>	<p>Site Inspections by MRCA Chief of Urban and Watershed Projects</p>
Hydrology and Water Quality			
<p>RR 4.9-1 Design and construction of the improvements on Milton Street shall comply with the City's Green Street Standard Plans for a vegetated storm water curb extension.</p>	<p>The MRCA Contracts Officer shall include this RR as a note in the Project Improvement Plans and in the Contractor Specifications. The Engineer shall design and the Contractor shall construct the improvements on Milton Street in accordance with the City's Green Street Standard Plans</p>	<p>Project Engineer and Contractor</p>	<p>Plan Check and Site Inspections by MRCA Contracts Officer and Chief of Urban and Watershed Projects</p>

**TABLE 1 (continued)
MILTON STREET PARK
MITIGATION MONITORING AND REPORTING PROGRAM**

Regulatory Requirement/Mitigation Measure	Implementing Action	Implementing Party	Monitoring Action/Monitoring Party
<p>RR 4.9-2 Project construction shall comply with the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with the Construction and Land Disturbance Activities (Order No 2009-009-DWQ, NPDES No. CAS000002, or the latest approved general permit). This General Permit requires construction activities (including demolition, clearing, grading, excavation, and other land disturbance activities) that result in the disturbance of one acre or more of total land area to file and submit a Notice of Intent (NOI); a Risk Assessment; a Site Map; a Storm Water Pollution Prevention Plan (SWPPP); an annual fee; and a signed certification statement to the State Water Resources Control Board prior to construction. In order to obtain coverage under the General Permit, a project-specific SWPPP shall be prepared, which shall contain BMPs that would be implemented to reduce or eliminate construction-related pollutants in site runoff.</p>	<p>The MRCA Contracts Officer shall include this RR as a note in the Contractor Specifications. The Contractor shall comply with this RR prior to and during construction activities for the proposed project.</p>	<p>Project Engineer and Contractor</p>	<p>Plan Check and Site Inspections by MRCA Contracts Officer and Chief of Urban and Watershed Projects</p>
<p>RR 4.9-3 Project construction shall comply with Chapter VI, Article 4.4 of the <i>Los Angeles City Municipal Code</i>, which regulates discharges into the storm drain system and receiving waters. It prohibits the discharge of solids, liquids, gases, and other pollutants that are flammable, reactive, explosive, corrosive, or radioactive; that could obstruct flows; that are considered medical, infectious, toxic or hazardous material or waste; that would pose a hazard to human, animal, plant, or fish life; or that would create a public nuisance.</p>	<p>The MRCA Contracts Officer shall include this RR as a note in the Contractor Specifications. The Contractor shall comply with this RR during project construction activities.</p>	<p>Contractor</p>	<p>Site Inspections by MRCA Chief of Urban and Watershed Projects</p>
<p>Noise</p>			
<p>RR 4.12-1 Project construction shall comply with Section 41.40 of the <i>City of Los Angeles Municipal Code</i>, which requires that construction using any equipment that makes loud noises that would disturb persons in nearby residences, including the operation, repair or servicing of construction equipment and the job-site delivering of construction materials, be limited to the hours of 7:00 AM to 9:00 PM, Monday through Friday, and 8:00 AM to 6:00 PM on Saturday.</p>	<p>The MRCA Contracts Officer shall include this RR as a note in the Contractor Specifications, and the Contractor shall comply with this RR during construction activities.</p>	<p>Contractor</p>	<p>Site Inspections by MRCA Chief of Urban and Watershed Projects</p>

TABLE 1 (continued)
MILTON STREET PARK
MITIGATION MONITORING AND REPORTING PROGRAM

Regulatory Requirement/Mitigation Measure	Implementing Action	Implementing Party	Monitoring Action/Monitoring Party
<p>RR 4.12-2 Project construction shall comply with the City of Los Angeles Building Regulations Ordinance No. 178048, which requires a construction site notice to be provided that includes the following information: job site address, permit number, name and telephone number of the contractor and the owner or owner's agent, hours of construction allowed by code, or any discretionary approval for the project site and the telephone numbers where violations can be reported. The notice shall be posted and maintained at the construction site prior to the start of construction and displayed in a location that is readily visible to the public and approved by the City of Los Angeles Department of Building and Safety.</p>	<p>The MRCA Contracts Officer shall include this RR as a note in the Contractor Specifications, and the Contractor shall comply with this RR during construction activities.</p>	<p>Contractor</p>	<p>Site Inspections by MRCA Chief of Urban and Watershed Projects and Chief Ranger</p>
<p>MM 4.12-1 Prior to the use of diesel engine driven construction equipment on the eastern 200 feet of the project site, the Contractor shall plan the work to minimize noise and vibration impacts by implementing methods that include but are not be limited to (1) selecting quieter and lighter equipment; (2) selecting equipment without an elevated exhaust stack; (3) restricting equipment use so that only one piece of equipment shall operate in the area at any time; (4) limiting noisy equipment operation in the area to 4 hours per day; (5) limiting noisy equipment operation in the area to 3 days in any week; and (6) using manual labor instead of equipment.</p>	<p>The MRCA Contracts Officer shall include this MM as a note in the Contractor Specifications, and the Contractor shall implement this MM during construction activities.</p>	<p>Contractor</p>	<p>Site Inspections by MRCA Chief of Urban and Watershed Projects</p>
<p>MM 4.12-2 Prior to the initiation of grading, the contractor shall implement the following:</p> <ul style="list-style-type: none"> a) All construction vehicles or equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers. Mufflers shall be equivalent to or of greater noise reducing performance than the manufacturer's standard. b) Stationary equipment, such as generators and air compressors, shall be located as far from local residences and the Marina del Rey Middle School as feasible. Where stationary equipment must be located within 250 feet of a sensitive receptor, the equipment shall be equipped with appropriate noise reduction features (e.g., silencers, 	<p>The MRCA Contracts Officer shall include this MM as a note in the Contractor Specifications, and the Contractor shall implement this MM during construction activities.</p>	<p>Contractor</p>	<p>Site Inspections by MRCA Chief of Urban and Watershed Projects</p>

**TABLE 1 (continued)
MILTON STREET PARK
MITIGATION MONITORING AND REPORTING PROGRAM**

Regulatory Requirement/Mitigation Measure	Implementing Action	Implementing Party	Monitoring Action/Monitoring Party
<p>shrouds, or other devices) to limit the equipment noise at the nearest residences to an average noise level (L_{eq}) of 65 A-weighted decibels (dBA).</p> <p>c) Equipment maintenance, vehicle parking, and material staging areas shall be located as far away from local residences and the Marina del Rey Middle School as feasible.</p>			
Transportation/Traffic			
<p>RR 4.16-1 Project construction shall comply with the City's general construction requirements on the implementation of temporary traffic control measures in accordance with Standard Specifications for Public Works Construction (Greenbook) and the City of Los Angeles Department of Public Works' Additions and Amendments to the 2009 Edition of the Standard Specifications for Public Works Construction (Brown Book) which contains standards for traffic and access (i.e., maintenance of access, traffic control, and notification of emergency personnel).</p>	<p>The MRCA Contracts Officer shall include this RR as a note in the Contractor Specifications. The Contractor shall provide temporary traffic control measures in accordance with this RR during construction activities on Milton Street.</p>	<p>Contractor</p>	<p>Site Inspections by MRCA Chief of Urban and Watershed Projects, and Chief Ranger</p>
<p>RR 4.16-2 Project construction shall include the provision of traffic control devices in compliance with the current Manual for Uniform Traffic Control Devices (MUTCD) to ensure traffic safety on streets and highways. The MUTCD includes signs, markings, flagger control, and temporary devices needed to promote pedestrian and worker safety during construction, as well as permanent signs and markings to promote roadway safety and efficiency.</p>	<p>The MRCA Contracts Officer shall include this RR as a note in the Project Improvement Plans and in the Contractor Specifications. The Engineer shall design and the Contractor shall construct the improvements on Milton Street in accordance with the MUTCD.</p>	<p>Project Engineer and Contractor</p>	<p>Plan Check and Site Inspections by MRCA Contracts Officer, Chief of Urban and Watershed Projects and Chief Ranger</p>
Utilities and Service Systems			
<p>RR 4.17-1 Waste disposal during project construction shall comply with the City of Los Angeles Construction and Demolition (C&D) Waste Recycling Ordinance, which requires all mixed C&D waste generated within City limits be taken to City certified C&D waste processors.</p>	<p>The MRCA Contracts Officer shall include this RR as a note in the Contractor Specifications, and the Contractor shall comply with this RR during construction activities.</p>	<p>Contractor</p>	<p>Site Inspections by MRCA Chief of Urban and Watershed Projects</p>

ATTACHMENT A
COMMENT LETTERS

July 24, 2012

Ms. Ana Petric
Urban Projects and Watershed Planning Division
Mountain Recreation and Conservation Authority
570 W Ave 26, Suite 100
Los Angeles, California 90065

Dear Ms. Petric:

Thank you very much for your "notice of intent to adopt a mitigated negative declaration" regarding 12500 Milton Street.

We live directly across Ballona Creek from the proposed site. We are excited That the land will be pretty and inviting for walkers or bike riders. We feel That such a park will be an asset to our neighborhood.

Since the configuration of the creek brings all of the noise from the Marina Jr. High School directly into our homes I am sure the same will be true of your park.

Usually that is not a problem. There is one major concern though. Please do NOT Install any lights in your park. Right now it is quiet in the night and we would like To keep it that way. If you were to install lights I know that we would have a lot Of undesirable people and drug dealers taking up residency in that spot and it would be A very difficult problem to eradicate.

With no lights undesirables would stay away, we are hoping.

Please confirm receipt of this letter, and thanking you in advance.

Name	address	
SUE LEVIN	12530 ROSY CIR	LA 90066
MARILYN HILL	12600 ROSY CIRCLE	LA 90066
JOAN PIERCE	HI	HI
Kikue Shimabukuro	12590 Rosy Circle	LA 90066
LO BECK	12576 Rosy Circle	LA 90066
Ann VanDynamoal	12610 Rosy Circle	LA 90066
Jack Miller	12606 Rosy Circle	LA 90066
J. R. Kim	12520 Rosy Cir.	LA 90066
GRACE SWANSON	12530 Rosy Cir.	LA 90066
David Dwyer	12536 Rosy Cir.	LA 90066
Chad Glauberg	12570 Rosy Cir	LA 90066
Daniel Glauberg	12570 Rosy Cir	LA 90066

July 24, 2012

Ms. Ana Petric
Urban Projects and Watershed Planning Division
Mountain Recreation and Conservation Authority
570 W Ave 26, Suite 100
Los Angeles, California 90065

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With no lights undesirables would stay away, we are hoping.

Please confirm receipt of this letter, and thanking you in advance.

Name	address
<i>David Riley</i>	<i>13536 Rosy Cir. LA 90066</i>
<i>[Signature]</i>	<i>12586 Rosy Cir. LA 90066</i>
<i>[Signature]</i>	<i>11556 Rosy Circle LA CA 90066</i>
<i>[Signature]</i>	<i>12586 Rosy Circle LA 90066</i>
<i>[Signature]</i>	<i>12546 Rosy Circle LA 90066</i>
<i>[Signature]</i>	<i>12546 Rosy Circle LA 90066</i>
<i>[Signature]</i>	<i>12556 Rosy Circle LA 90066</i>

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
de_nahc@pacbell.net



August 3, 2012

Ms. Ana Petric, Project Planner

Mountains Recreation and Conservation Authority

570 West Avenue 26th, Suite 100
Los Angeles, CA 90065

Re: **SCH#2012071072 CEQA Notice of Completion; proposed Mitigated Negative Declaration for the "Milton Street Park Project;" located in the Marina Del Rey area area; Los Angeles County, California.**

Dear Ms. Petric:

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).

This letter includes state and federal statutes relating to Native American historic properties or resources 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. This project is also subject to California Government Code Section 65352.3 *et seq.*

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 recommends that the lead agency request that the NAHC do a Sacred Lands File search as part of the careful planning for the proposed project. This area is known to the NAHC to be very culturally sensitive.

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).

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 attached 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. Pursuant to CA Public Resources Code § 5097.95, the NAHC requests cooperation from other public agencies in order 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, including archaeological studies. 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.

Furthermore, the NAHC if the proposed project is under the jurisdiction of the statutes and regulations of the National Environmental Policy Act (e.g. NEPA; 42 U.S.C. 4321-43351). 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.

Furthermore, Public Resources Code Section 5097.98, California Government Code §27491 and Health & Safety Code Section 7050.5 provide for provisions for inadvertent discovery of human remains mandate the processes to be followed in the event of a discovery of 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.

Finally, when Native American cultural sites and/or Native American burial sites are prevalent within the project site, the NAHC recommends 'avoidance' of the site as referenced by CEQA Guidelines Section 15370(a).

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

Native American Contact
Los Angeles County
August 3, 2012

LA City/County Native American Indian Comm
Ron Andrade, Director
3175 West 6th St, Rm. 403
Los Angeles , CA 90020
randrade@css.lacounty.gov
(213) 351-5324
(213) 386-3995 FAX

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

Gabrielino Tongva

(909) 262-9351 - cell

Ti'At Society/Inter-Tribal Council of Pimu
Cindi M. Alvitre, Chairwoman-Manisar
3094 Mace Avenue, Apt. B Gabrielino
Costa Mesa, , CA 92626
calvitre@yahoo.com
(714) 504-2468 Cell

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

Gabrielino Tongva

Tongva Ancestral Territorial Tribal Nation
John Tommy Rosas, Tribal Admin.
Private Address Gabrielino Tongva

tattnlaw@gmail.com
310-570-6567

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

Gabrielino/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

Gabrielino-Tongva Tribe
Linda Candelaria, Chairwoman
1875 Century Pk East #1500 Gabrielino
Los Angeles , CA 90067
lcandelaria1@gabrielinoTribe.org
626-676-1184- cell
(310) 587-0170 - FAX

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 7060.5 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#2012071072; CEQA Notice of Completion; proposed Mitigated Negative Declaration for the Milton Street Park Project; located in the Marina Del Rey area; Los Angeles County, California.

**Native American Contact
Los Angeles County
August 3, 2012**

**Gabrieleno Band of Mission Indians
Andrew Salas, Chairperson
P.O. Box 393 Gabrielino
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 SCH#2012071072; CEQA Notice of Completion; proposed Mitigated Negative Declaration for the Milton Street Park Project; located in the Marina Del Rey area; Los Angeles County, California.

August 9, 2012

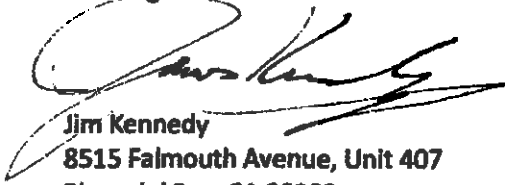
Mountains Recreation and Conservation Authority
570 West Avenue 26, Suite 100
Los Angeles, CA 90065

Dear Ana Petric:

I am submitting my comment in support of the Milton Street park project proposal. I have had a chance to participate in the public review process over the years that the MRCA has been working with the local community on the Milton Street park project proposal. I believe that the MRCA is considering all viable options and has been taking into account public comments. No park project plan is ever perfect, but this park project is absolutely ready to be built.

I would also like to thank the MRCA staff for all their valuable public service. Their other park projects along the Ballona Creek are exemplary in their planning, execution, and ongoing maintenance. The bike path continues to look better and is safer after each park the MRCA adds to our community.

Best regards,



Jim Kennedy
8515 Falmouth Avenue, Unit 407
Playa del Rey, CA 90293

Josephine Alido - Fwd: FW: Our Comments on the Notice of Intent for the MRCA's Milton Street Park

From: Josephine Alido
To: Josephine Alido
Subject: Fwd: FW: Our Comments on the Notice of Intent for the MRCA's Milton Street Park

From: The Cains [mailto:cainfam@verizon.net]
Sent: Monday, August 20, 2012 6:07 PM
To: ana.petrlic@mrca.ca.gov
Cc: cecilia.castillo@lacity.org; councilman.rosendahl@lacity.org
Subject: Our Comments on the Notice of Intent for the MRCA's Milton Street Park

Hi Ana,

Attached are two PDF files containing:

1. Our signed 3-page letter with our comments on the *Notice of Intent to Adopt a Mitigated Negative Declaration* from the Mountains Recreation and Conservation Authority (MRCA).
2. Series of e-mails dated May 16, 2012 through August 20, 2012 between Ana Petrlic (of the MRCA) and James and Mary Cain (voting residents, homeowners, and neighbors near the Milton Street Park project).

We look forward to a response to our letter.

Thank you.

Regards,

James and Mary Cain
12526 Rosy Circle
Los Angeles, CA 90066

August 20, 2012

Ms. Ana Petrlc
Urban Projects and Watershed Planning Division
Mountains Recreation and Conservation Authority
Los Angeles River Center and Gardens
570 West Avenue 26, Suite 100
Los Angeles, California 90065

Subject: Project Title Milton Street Park

References:

1. Undated *Notice of Intent to Adopt a Mitigated Negative Declaration* from the Mountains Recreation and Conservation Authority (MRCA)
2. Series of E-Mails dated from May 16, 2012 through August 20, 2012 between Ana Petrlc (of the MRCA) and James and Mary Cain (Homeowners and Neighbors of the Subject Project)

Comment Period: July 23, 2012 to August 22, 2012

Dear Ms. Petrlc:

We appreciate that you made a presentation at the Del Rey Residents Association Board meeting on August 6, 2012 on very short notice about the subject project. You answered some attendees' questions. However, there was not enough time on the meeting's agenda for you to take all questions or take additional new questions based on your answers to questions.

We received the *Notice of Intent to Adopt a Mitigated Negative Declaration* about the Mountains Recreation and Conservation Authority (MRCA) Milton Street Park on July 24, 2012. It was not received prior to July 23, the first day of the comment period. We have the following questions and comments on the *Notice of Intent*:

1. What are the *potentially significant impacts* referred to in the "Findings:" paragraph on the first page?
2. Design comments and questions:
 - a. The two PDF files that you attached to your May 24, 2012 e-mail do not match Figure 3-1 in the undated *Bonterra Consulting Initial Study/Mitigated Negative Declaration Milton Street Park Project* document. A subsequent e-mail from you stated: "The illustrative site plan is shown in exhibit 3-1. The illustrative plan shows the layout based on the conceptual design you were sent." Is there any difference between those two May 24th e-mail conceptual design PDFs and the illustrative design in exhibit/Figure 3-1 of the undated Bonterra Consulting document?
 - b. Where can we see/view design diagrams that are large enough for readability? The two PDF files that you sent to us in May, while helpful, were a challenge to print and the fonts not large enough for readability once printed. It is difficult for us to get to your 570 West Avenue 26 location to see a readable illustrative design (that is exhibit 3-1), which is almost unreadable from the MRCA web site. It would have been helpful if a readable exhibit/Figure 3-1 were available at the DRRA meeting because it is a new exhibit/Figure not seen at the neighborhood/community meetings held in 2008.

Comments to Notice of Intent to Adopt a Mitigated Negative Declaration for the Milton Street Park Project from James and Mary Cain

3. We are very concerned about the size and quantity of the trees that will be planted. Here are some related questions/comments:
 - a. What kind(s) of trees will be planted?
 - b. Why are there so many trees in the design? Fifty-four strikes us as overplanting.
 - c. As far as the size, what will be the mature height and width and density of those trees?
 - d. How long does it take the newly planted trees to reach their mature height/width/density? If the trees are known to exceed 25', does their planting modify the 2-story, 25-foot height limit of our tract conditions? Those tract conditions assured us that we would always have an unrestricted view of the mountains to the north, at least insofar as above the two-story limitation on Milton Street from the line of sight of our residence. To modify these conditions will not only affect the overall uniform appearance of our tract but will affect our property's value and diminish our enjoyment of the view—a view we had reasonable expectation of keeping, such expectation based on the tract conditions existing at the time we first became residents in 1972.
 - e. How far apart will the trees be planted?
 - f. Who (that is, what agency) will have responsibility for the trees' maintenance?
 - g. Are the 54 trees completely/totally on Los Angeles City property?
 - h. Are the 54 trees that the MRCA is going to plant on the City property on Milton considered part of the Park once they are planted, or do they become the property and responsibility of the City of Los Angeles once planted?
 - i. Is the Park completely on Los Angeles County property?
 - j. Who/what agency will own responsibility for the maintenance of the park?
 - k. What is the maintenance plan (that is, items like how often will it be cleaned up and the like)?
4. At the DRRA meeting you stated that the eucalyptus trees, which are currently on the property, would not be removed. You stated that the Army Corps of Engineer's vegetation policy does not allow trees in the Park; and, therefore, the eucalyptus trees will remain because they will be the only trees in the Park (basically, they are *grandfathered*). The eucalyptus trees were a strong/hot topic of discussion at the neighborhood meetings held in 2008 by the MRCA for neighbors' input. At that time, a tree expert stated that they are prone to root rot and are not California natives. A large section of one such tree crashed down on the bike path a couple of years ago because of dry rot. Fortunately, no person was its victim. The eucalyptus trees alongside Milton are exceedingly top heavy, have limbs that hang precipitously low, have limbs that fall off, and are a source of crime. Gunshots have been fired from the trees across Ballona Creck to Rosy Circle. The trees create a dangerous canopy for people with bad intent hiding within them. While driving on Milton recently, we witnessed bicyclists going under the canopy and using it as a toilet.
5. We have requested that a community meeting be held to receive comments for the *Notice of Intent* design, which is a different design compared to what was agreed to in 2008 by the neighbor community? Does the comment period of 7/23/2012—8/22/2012 preclude such a meeting?
6. The *Notice of Intent* came in an envelope from Bonterra Consulting, 225 South Lake Avenue, Suite 1000, Pasadena, CA 91101. Who/what is Bonterra Consulting? Has it done other MRCA projects? If so, which ones?

*Comments to Notice of Intent to Adopt a Mitigated Negative Declaration for the Milton Street Park Project from
James and Mary Cain*

7. Has the LAPD and the Sheriff's department reviewed all pertinent plans with regard to any safety/crime concerns? If so, what is their feedback? If not, when will they have an opportunity to review the plans?
8. Do each of the LAPD and the Sheriff's Department understand who owns responsibility for which piece of the Park project?
9. What is the agreement between the City of Los Angeles (for Milton Street in the City) and Los Angeles County (for within the MRCA/County Part) for addressing crime? Fundamentally, if there is a problem in the Park, whom does a resident report it to?
10. Will there be any lighting within the Park?
11. Will any lighting be added to Milton Street?
12. What is the budget for this Park?
 - a. How will it be funded?
 - b. When will it be funded?
13. At the DRRA meeting, you mentioned that there will be an area of steps for an outdoor children's classroom. What are the overall measurements of those steps?

We are concerned that those very steps/stairs will attract the homeless both day and night and be a problem for the schoolchildren and for the people enjoying the park. How and by whom will this be monitored?
14. How are the comments to the *Notice of Intent* used? That is, what are the next steps for the MRCA and for the community?

We are in favor of a Milton Park. We are just concerned that the current design will meet the needs of the community.

Thank you.

Respectfully Submitted,



Mary and James Cain (We are voting residents who live directly across Ballona Creek from the Milton Street Park MRCA project site.)
12526 Rosy Circle
Los Angeles, CA 90066

/st

cc: The Honorable William Rosendahl, Councilman of the City of Los Angeles
City Hall, Room 415
200 North Spring Street
Los Angeles, CA 90012

August 20, 2012

Page 3 of 3

E-Mail String between Ana Petrlc, MRCA, and James and Mary Cain, Homeowners

----- Forwarded Message -----

From: Ana Petrlc <ana.petrlic@mrca.ca.gov>
To: 'The Cains' <cainfam@verizon.net>
Sent: Monday, August 20, 2012 12:20 PM
Subject: RE: Milton Street Project in 90066

Hi Jim,

You may submit your comments on the MND via e-mail if you'd prefer.

Sincerely,
Ana Petrlc

From: The Cains [mailto:cainfam@verizon.net] **Sent:** Monday, August 20, 2012 11:11 AM **To:** Ana Petrlc **Subject:** RE: Milton Street Project in 90066

Hi Ana, May we send our *Notice of Intent* response regarding the subject project via e-mail or must it be received in-person or via the USPS on or before 8/22? Thank you. Regards, Jim and Mary Cain

At 01:57 PM 8/2/2012, Ana Petrlc wrote:

Mr. Cain, The address (as listed on the Notice of Intent) is 570 West Avenue 26, Suite 100, Los Angeles, CA 90065. 323-221-9944. The illustrative site plan is shown in exhibit 3-1. The illustrative plan shows the layout based on the conceptual design you were sent. Thank you, Ana Petrlc Project Manager *Urban Projects & Watershed Planning Division* **From:** The Cains [mailto:cainfam@verizon.net] **Sent:** Wednesday, August 01, 2012 11:04 AM **To:** Ana Petrlc **Cc:** Elizabeth Pollock **Subject:** Re: Milton Street Project in 90066 Hi Ana, What is the address and phone number for the Los Angeles River Center and Gardens? In which of the PDF documents listed on the MRCA home page can we find diagrams that are the equivalent to the 2 PDFs that you attached to your May 24, 2012 e-mail and which you stated are the "revised rough conceptual of the design". We have been going through the PDFs and cannot find equivalent documents/diagrams. When will the community meeting be held? The consensus among neighbors is that too much time has gone by since the series of 3 meetings 4 years ago, and we all want to be fully informed, on-board, and in-the-loop. Thank you. Jim and Mary Cain

From: Ana Petrlc <ana.petrlic@mrca.ca.gov>
To: 'The Cains' <cainfam@verizon.net>
Sent: Tuesday, July 31, 2012 3:09 PM
Subject: RE: Milton Street Project in 90066

Mr. Cain,

We are unable to make individual copies of the MND. You may either print a copy of the PDF document that is on-line or you may come to the Los Angeles River Center and Gardens - A hard copy is provided there for public viewing.

Comments on the MND are received by mail at the address listed on the Notice of Intent (NOI). Please submit your comments accordingly after you have read and reviewed the full MND document (this will answer most of your questions).

Sincerely,

E-Mail String between Ana Petrlc, MRCA, and James and Mary Cain, Homeowners

Ana Petrlc
Project Manager
Urban Projects & Watershed Planning Division

From: The Cains [mailto:cainfam@verizon.net]
Sent: Friday, July 27, 2012 1:39 PM
To: Ana Petrlc
Cc: Elizabeth Pollock
Subject: Re: Milton Street Project in 90066

Hi Ana,

We received the Notice of Intent to Adopt a Mitigated Negative Declaration about the Mountains Recreation and Conservation Authority (MRCA) Milton Street Park on July 24, 2012 (copy attached). We have some initial questions:

1. What are the potentially significant impacts referred to in the "Findings:" paragraph on the first page?
2.
 - (a) What is the plan that has been approved? What you stated in your May 24, 2012 e-mail was that you were attaching the "revised rough conceptual of the design". So, is the design connected with the Notice of Intent still deemed "conceptual"?
 - (b) I have attached the two PDF files that you attached to that May e-mail. Is there any difference between those two PDFs and the design connected with the Notice of Intent?
 - (c) Can you provide the current applicable design PDFs?
 - (d) Additionally, where can we see design diagrams that are large enough to read? The two files that you sent in May, while helpful, were a challenge to print and the fonts not large enough for readability once printed.
3. We are particularly concerned about the size and quantity of the trees that will be planted. Here are some related questions:
 - (a) As far as the size, what will be the mature height and width and density of those trees?
 - (b) How long does it take the newly planted trees to reach that mature height/width/density?
 - (c) How far apart will the trees be planted?
 - (d) Who (that is, what agency) will have responsibility for the trees maintenance? Are the trees completely on Los Angeles City property?
 - (e) Who (that is, what agency) will have responsibility for the maintenance of the park? Is the part completely on Los Angeles County property?
4. Will the eucalyptus trees that are currently on the property be removed? They were a strong/hot topic of discussion at one of the three neighborhood meetings held about three years ago by the MRCA for neighbors' input. A very knowledgeable person (we recall that he is a retired LA City

E-Mail String between Ana Petrlc, MRCA, and James and Mary Cain, Homeowners

Engineer) stated that they are prone to root rot and are not California natives. A large section of one such tree crashed down on the bike path a couple of years ago because of dry rot. The eucalyptus trees alongside Milton now look exceedingly top heavy, have limbs that hang precipitously low, and have been a source of crime. Some years ago, gunshots were fired from the trees across Ballona Creek to Rosy Circle. The trees create a dangerous canopy for people with bad intent hiding within them. While driving on Milton recently, we saw bicyclists go under the canopy and use it as a toilet.

5. When will there be a community meeting to receive comments for this design, which is different than what was agreed to several years ago by the neighbors?

6. We find it difficult to navigate the PDF file that is online at <http://www.mrca.ca.gov/Milton%20MND/Milton%20Street%20Park%20IS-MND.pdf> because all the diagrams are so small. Can we receive a paper copy of the complete Initial Study/Mitigated Negative Declaration Milton Street Park Project? And can we also receive a paper copy of all the other pertinent documents posted on the MRCA web site?

7. The Notice of Intent came in an envelope from:

Bonterra Consulting, 225 South Lake Avenue, Suite 1000, Pasadena, CA 91101

Who/what is Bonterra Consulting? Has it done other MRCA projects? If so, which ones?

8. Has the LAPD and the Sheriff's department reviewed all pertinent plans? If so, what is their feedback?

Thank you.

Regards,

Mary and Jim Cain

(We live directly across Ballona Creek from the Milton MRCA project site.)

From: Ana Petrlc <ana.petrlic@mrca.ca.gov>

To: 'The Cains' <cainfam@verizon.net>

Sent: Thursday, May 24, 2012 2:35 PM

Subject: RE: Milton Street Project in 90066

Mary and Jim,

I can assure you that the current design of this park still represents the community's input, needs, and requests made from the meetings in 2008 – that has not changed. I'm not sure what was said at the taskforce meeting, but the modifications to the park's design primarily had to do with the Army Corps' vegetation policy and the recent concerns they have about the safety & integrity of their levee structures. These are new factors and requirements that were not in play in 2008 and is something that we do not have any control over.

We are still staying true to the conceptual design that was agreed upon in the third community meeting. However, please note that the design was conceptual and not to be translated as an exact representation of the layout. There was much more work to be done to determine the final locations of all the site elements. In 2008, it was determined that the design would include: a "green street" conversion/extension of the park, meandering pedestrian paths, new access point to the park and bike

E-Mail String between Ana Petrljic, MRCA, and James and Mary Cain, Homeowners

path, seating, shade structure on platform for bird watching, "community lawn", bicycle parking, native plants, interpretive panels, etc. These amenities are all still present within the park design. The only difference is the location of the shade structure was adjusted. The planting is still all native (which had been conveyed at the community meetings) but the Corps is restricting any trees from being planted on-site. There will be plenty of native grasses and shrubs. Also, we plan to install 54 new trees on the street (both sides).

Attached is a revised rough conceptual of the design.

Sincerely,

Ana Petrljic
Project Manager
Urban Projects & Watershed Planning Division

From: The Cains [mailto:cainfam@verizon.net]
Sent: Wednesday, May 16, 2012 9:55 AM
To: ana.petrljic@mrca.ca.gov
Subject: Milton Street Project in 90066

Hi Ana,

During the Ballona Creek Watershed Task Force Meeting held yesterday, it was stated that there has been a redesign of the Milton Street Park project. Will there be a community meeting to discuss this redesign. Is this project funded or is this project on hold? We attended the community meetings about this project. We understood that the design was settled upon after the third community meeting. So, we are concerned about changes. Please send us a copy of the new/current design that reflects the Army Corps of Engineers input/changes.

Thank you.

Regards,

Mary and Jim Cain
12526 Rosy Circle (we are directly across Ballona Creek from the Milton MRCA project site)

Josephine Alido - FW: Comments to MRCA Milton Street Park MND due 8.22.2012

From: "Ana Petrlc" <ana.petrlic@mrca.ca.gov>
To: "Josephine Alido" <JAlido@bonterraconsulting.com>
Date: 8/22/2012 3:34 PM
Subject: FW: Comments to MRCA Milton Street Park MND due 8.22.2012
CC: "Cara Meyer" <cara.meyer@mrca.ca.gov>

Josephine,

Additional comments. See below.

From: Joyce Dillard [mailto:dillardjoyce@yahoo.com]
Sent: Wednesday, August 22, 2012 1:01 PM
To: Ana Petrlc
Subject: Comments to MRCA Milton Street Park MND due 8.22.2012

The proposed project is in a Methane Hazard Zone with exposure to children and senior citizens with sensitivity to dangerous gases including hydrogen sulfide. You state under 4.8 HAZARDS/HAZARDOUS MATERIALS, Less Than Significant Impact *Since no enclosed structures that could lead to high concentrations of methane are proposed with the linear park and "Green Street", no hazards associated with methane exposure or combustion would occur with the project. Impacts would be less than significant.*

Playa Del Rey oilfield is known for surface gas emissions.

Emissions can occur without a placement of an enclosed structure. What monitoring measures will you employ? What signage will you post to warn of the dangers?

What considerations have been made, by dangerous gas emissions, to contaminate the water and degrade the water quality? Will this impair any Receiving Waters under the Clean Water Act?

At what levels will fire, police and emergency services be staffed and what is the anticipated response time under an emergency situation? What equipment will be onsite?

Joyce Dillard

P.O. Box 31377

Los Angeles, CA 90031

From: Yanez, Jarrett [mailto:JYANEZ@dpw.lacounty.gov]
Sent: Wednesday, August 22, 2012 5:36 PM
To: ana.petric@mrca.ca.gov
Cc: Cruz, Ruben; Ibrahim, Amir
Subject: Milton Street Park- Mountains Recreation & Conservation Authority- Inital Study/Mitigated Negative Declaration Comments

Dear Ms. Ana Petric

**Initial Study/Mitigated Negative Declaration
Milton Street Park
Mountains Recreation & Conservation Authority**

Thank you for the opportunity to review the Initial Study/Mitigated Negative Declaration for Milton Street Park project. The Milton Street Park project consists of the construction of a linear park that would consist of a pedestrian pathway, overlook areas, a 10-foot by 50-foot shade structure, new access gateway, entry stairs and American with Disabilities Act accessible ramp, fencing, native landscaping and irrigation, site furnishings, gabion retaining walls, and interpretive panels. The project is located on a 1.2-acre parcel along Milton Street, between Mascagni Street and Westlawn Avenue within the City of Los Angeles.

The following comments are for your consideration and relate to the environmental document only.

Hazards--Flood/Water Quality

The area of the proposed improvement is adjacent to the Ballona Creek which is operated and maintained by the Los Angeles County Flood Control District. Per section 3.3, page 3-3 OPERATIONAL CHARACTERISTICS - "Access to the proposed park would be via Milton Street; the Ballona Creek Bike Path; and the parking area east of the site." If an encroachment, connection or alteration to a Los Angeles County Flood Control District facility is required, please apply for a construction permit from our Land Development Division Permits/Subdivisions Section.

Per Exhibits 3-2 and 3-3, the proposed improvements appear to be located on the Ballona Creek levee. The Corps of Engineers must have the opportunity to review and approve the subject proposal prior to its construction.

If you have any questions regarding the flood/water quality comment, please contact Mr. Stephen Lipka at (562) 861-0316 or slipka@dpw.lacounty.gov.

If you have any other questions or require additional information, please contact:

Ruben Cruz
(626) 458-4915
Land Development Division
Los Angeles County Department of Public Works



EDMUND G. BROWN JR.
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



KEN ALEX
DIRECTOR

August 22, 2012

Ana Petrilic
Mountains Recreation and Conservation Authority
LA River Center & Gardens
570 W. Avenue 26, Suite 100
Los Angeles, CA 90065

Subject: Milton Street Park
SCH#: 2012071072

Dear Ana Petrilic:

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on August 21, 2012, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

**Document Details Report
State Clearinghouse Data Base**

SCH# 2012071072
Project Title Milton Street Park
Lead Agency Mountains Recreation and Conservation Authority

Type MND Mitigated Negative Declaration
Description The MRCA is proposing the development of a linear park on a 1.2-acre vacant parcel. The proposed park would include a pedestrian walkway, overlook areas, a shade structure, new access gateway, entry stairs and ADA accessible ramp, fencing, native landscaping, site furnishings, gabion retaining walls, and interpretive panels. The project would also make Milton Street a "Green Street", where vegetated stormwater curb extensions would be constructed to capture and treat wet and dry weather runoff.

Lead Agency Contact

Name Ana Petrilc
Agency Mountains Recreation and Conservation Authority
Phone 323 221 9944 x107 **Fax**
email
Address LA River Center & Gardens
 570 W. Avenue 26, Suite 100
City Los Angeles **State** CA **Zip** 90065

Project Location

County Los Angeles
City Los Angeles, City of
Region
Lat / Long 33° 59' 5.65" N / 118° 25' 8.51" W
Cross Streets Milton Street and Westlawn Avenue
Parcel No. 4221-024-907, 908, 909, 910
Township 2S **Range** 15W **Section** 23 **Base** SBB&M

Proximity to:

Highways Hwy 90
Airports LAX
Railways
Waterways Ballona Creek
Schools Marina del Rey MS
Land Use Vacant/Light Agriculture (A1-1XL)/Residential Single-Family (RS-1)

Project Issues Aesthetic/Visual; Air Quality; Archaeologic-Historic; Biological Resources; Flood Plain/Flooding; Geologic/Seismic; Noise; Public Services; Recreation/Parks; Traffic/Circulation; Vegetation; Water Quality; Landuse

Reviewing Agencies Resources Agency; Department of Fish and Game, Region 5; Department of Parks and Recreation; Department of Water Resources; Caltrans, District 7; Regional Water Quality Control Board, Region 4; Native American Heritage Commission; San Gabriel & Lower Los Angeles Rivers & Mountains Conservancy; Office of Historic Preservation

Date Received 07/23/2012 **Start of Review** 07/23/2012 **End of Review** 08/21/2012

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 384
 SACRAMENTO, CA 95814
 (916) 653-8251
 Fax (916) 657-5390
 Web Site www.nahc.ca.gov
 ds_nahc@pacbell.net

8/21/12
 Clear
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August 3, 2012

Ms. Ana Petric, Project Planner

Mountains Recreation and Conservation Authority

570 West Avenue 26th, Suite 100
 Los Angeles, CA 90065

Re: SCH#2012071072 CEQA Notice of Completion; proposed Mitigated Negative Declaration for the "Milton Street Park Project;" located in the Marina Del Rey area area; Los Angeles County, California.

Dear Ms. Petric:

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).

This letter includes state and federal statutes relating to Native American historic properties or resources 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. This project is also subject to California Government Code Section 65352.3 *et seq.*

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 recommends that the lead agency request that the NAHC do a Sacred Lands File search as part of the careful planning for the proposed project. This area is known to the NAHC to be very culturally sensitive.

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).

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 attached 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. Pursuant to CA Public Resources Code § 5097.95, the NAHC requests cooperation from other public agencies in order 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, including archaeological studies. 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.

Furthermore, the NAHC if the proposed project is under the jurisdiction of the statutes and regulations of the National Environmental Policy Act (e.g. NEPA; 42 U.S.C. 4321-43351). 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 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 APEs and possibility threatened by proposed project activity.

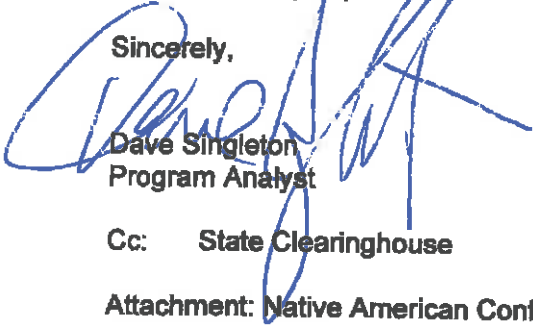
Furthermore, Public Resources Code Section 5097.98, California Government Code §27491 and Health & Safety Code Section 7050.5 provide for provisions for inadvertent discovery of human remains mandate the processes to be followed in the event of a discovery of human remains in a project location other 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.

Finally, when Native American cultural sites and/or Native American burial sites are prevalent within the project site, the NAHC recommends 'avoidance' of the site as referenced by CEQA Guidelines Section 15370(a).

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Dave Singleton", is written over the typed name and extends upwards into the "Sincerely," line.

Dave Singleton
Program Analyst

Cc: State Clearinghouse

Attachment: Native American Contact List

Native American Contact
Los Angeles County
August 3, 2012

LA City/County Native American Indian Comm
Ron Andrade, Director
3175 West 6th St, Rm. 403
Los Angeles , CA 90020
randrade@css.lacounty.gov
(213) 351-5324
(213) 386-3995 FAX

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

Gabrielino Tongva

(909) 262-9351 - cell

Ti'At Society/Inter-Tribal Council of Pimu
Cindi M. Alvitre, Chairwoman-Manisar
3094 Mace Avenue, Apt. B Gabrielino
Costa Mesa, , CA 92626
calvitre@yahoo.com
(714) 504-2468 Cell

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

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

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

Gabrielino/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

Gabrielino-Tongva Tribe
Linda Candalaria, Chairwoman
1875 Century Pk East #1500 Gabrielino
Los Angeles , CA 90067
lcandalaria1@gabrielinoTribe.org
626-676-1184- cell
(310) 587-0170 - FAX

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 7060.5 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#2012071072; CEQA Notice of Completion; proposed Mitigated Negative Declaration for the Milton Street Park Project; located in the Marina Del Rey area; Los Angeles County, California.

**Native American Contact
Los Angeles County
August 3, 2012**

**Gabrieleno Band of Mission Indians
Andrew Salas, Chairperson
P.O. Box 393 Gabrielino
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 SCH#2012071072; CEQA Notice of Completion; proposed Mitigated Negative Declaration for the Milton Street Park Project; located in the Marina Del Rey area; Los Angeles County, California.