
10.0 RESPONSES TO COMMENTS RECEIVED BETWEEN REVIEW PERIODS

10.1 PERSONS, ORGANIZATIONS, AND PUBLIC AGENCIES THAT COMMENTED BETWEEN PUBLIC REVIEW PERIODS

The public review period for the Draft EIR for the Chandler Ranch/Rolling Hills Country Club Project commenced on May 1, 2009 and ended on June 30, 2009; and the public review period for the Recirculated Portions of the Draft EIR for the Chandler Ranch/Rolling Hills Country Club Project commenced on June 21, 2010 and ended on August 4, 2010. Table 10.1 lists the persons, organizations, and public agencies that provided environmental-related comments to the City of Rolling Hills Estates between these two public review periods.

Table 10.1		
Comments Received Between Review Periods		
Agency, Organization, and/or Person	Date Received	Date of Letter
Agencies and Organizations		
South Coast Air Quality Management District MacMillan, Ian	4/21/2010	4/21/2010
Individuals		
Lipo, Carl	3/2/2010	3/2/2010

10.2 COMMENTS AND RESPONSES

This section of the Final EIR presents the comments received between the public review periods, along with the Lead Agency's response to the environmental points that were raised.

All comments received between review periods were submitted in written form and are included in their entirety in this section. Each point raised in these comment letters was assigned a number (e.g. XY-1), as noted on the comment letters included in this section. The Lead Agency's response to each enumerated comment is provided after the respective comment letter. The comment letters and corresponding responses in this section appear in the same order as they are listed in Table 10.1.

**LETTER FROM: SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT, IAN MACMILLAN,
PROGRAM SUPERVISOR, INTER-GOVERNMENTAL REVIEW PLANNING, RULE DEVELOPMENT
& AREA SOURCES**



**South Coast
Air Quality Management District**
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(909) 396-2000 • www.aqmd.gov

E-MAILED: APRIL 21, 2010

April 21, 2010

Ms. Niki Cutler, AICP, Principal Planner
Planning Department
City of Rolling Hills Estates
4045 Palos Verdes Drive North
Rolling Hills Estates, CA 90274

**Draft Environmental Impact Report (Draft EIR) for the Proposed
Chandler Ranch/Rolling Hills Country Club Project**

The South Coast Air Quality Management District (AQMD) staff appreciates the opportunity to comment on the above-mentioned Draft EIR. Although the public comment period was from May 1, 2009 to June 30, 2009, AQMD staff was not notified about this project until March, 2010. While the comment period has closed, the Final Environmental Impact Report has not yet been published by the lead agency, and the project consultant team has requested that AQMD staff review the Draft EIR and provide comments. The attached comments are meant as guidance for the lead agency and should be incorporated into the Final Environmental Impact Report. In addition, please ensure that the AQMD is included in the distribution list for any future projects that the lead agency determines are subject to CEQA.

AQMD-1

AQMD staff is concerned that the large amount of grading that will occur in close proximity to residents during construction of this project may produce significant air quality impacts. AQMD staff requests the lead agency to consider additional feasible mitigation measures that may reduce the magnitude of this significant impact. In order to provide the public a more complete description of potential air quality impacts, AQMD staff also requests further clarification in the Final EIR to address how both construction emissions and baseline emissions were calculated and how compliance with AQMD rules may impact the project's emissions.

AQMD-2

Pursuant to Public Resources Code Section 21092.5, please provide the AQMD with written responses to all comments contained herein prior to the adoption of the Final Environmental Impact Report. The AQMD staff would be happy to work with the Lead Agency to address these issues and any other questions that may arise. Please contact Gordon Mize, Air Quality Specialist – Inter-Governmental Review, at (909) 396-3302, if you have any questions regarding these comments.

AQMD-3

Sincerely,

Ian MacMillan
Program Supervisor, Inter-Governmental Review
Planning, Rule Development & Area Sources

Attachment
IM:JK:GM
LAC100309-06
Control Number

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Principal Planner

April 21, 2010

Construction Emissions

1. **Construction Acreage**

On page 26 in Appendix B of the Draft EIR, the lead agency compares peak day construction emissions assuming a maximum area disturbance of five acres and a 25-meter distance between receptors and construction activities. After accounting for compliance with AQMD rules and various mitigation measures, the lead agency indicates in Table 3.2.11 that particulate matter impacts will remain significant during construction. Given the size of the site (220 acres), it is unclear from the text of the Draft EIR, and in follow-up phone conversations with the project consultants, that a five acre limit on daily construction activities is feasible. As the lead agency determined that air quality construction impacts are significant, AQMD staff requests that the lead agency consider additional measures in the Final EIR to reduce the impact on surrounding residents. This may include considering reduced daily construction activity in close proximity to the edge of the site. Regardless, a more comprehensive description of total disturbed acreage during construction and the resulting potential air quality impacts should be presented in the Final EIR.

AQMD-4

2. **Particulate Matter Mitigation Measures**

Because the lead agency has determined that mitigated construction phase emissions for particulate matter (PM10 and PM2.5, fugitive dust) exceed the established significance thresholds, the AQMD recommends the following additions to the mitigation measures listed starting on page 3.2-38, if applicable and feasible:

Recommended additions:

- Use electricity from power poles rather than temporary diesel or gasoline power generators;
- Provide incentives to the construction contractor to only use off-road equipment that meets that utilizes the most stringent emission controls available. The lead agency is recommended to consider the AQMD "SOON" Program¹ which provides financial incentives to owners of construction equipment in order to upgrade their fleets.
- Restrict operations to "clean trucks," such as a 2007 or newer model year or 2010 compliant vehicle;
- Configure construction parking to minimize traffic interference;
- Provide temporary traffic controls such as a flag person, during all phases of construction to maintain smooth traffic flow;
- Provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site;
- Schedule construction activities that affect traffic flow on the arterial system to off-peak hour to the extent practicable;
- Reroute construction trucks away from congested streets or sensitive receptor areas;

AQMD-5

¹ <http://www.aqmd.gov/tao/Implementation/SOONProgram.htm>

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- All vehicles and equipment will be properly tuned and maintained according to manufacturers' specifications;
- Suspend all excavating and grading operations when wind speeds (as instantaneous gusts) exceed 25 mph;
- All trucks hauling dirt, sand, soil, or other loose materials are to be covered;
- Pave road and road shoulders;
- Suspend all excavating and grading operations when wind gusts (as instantaneous gusts) exceed 25 mph; and
- Appoint a construction relations officer to act as a community liaison concerning on-site construction activity including resolution of issues related to PM10 generation.

AQMD-5
(cont.)

3. On page 3.2-32, the lead agency states that peak day construction activities are assumed to be 150% of average day construction activities. AQMD staff requests that further justification be presented in the Final EIR of how this assumption is an appropriate worst case scenario.

AQMD-6

Baseline Emissions

4. **Concrete Batch Plant Operations**

In Appendix C - Baseline Emissions, the lead agency has estimated project emissions from the Chandler Facility from delivery trucks coming to the landfill. The Chandler Facility also includes concrete batching operations at the sand and gravel mine area. Based on the analysis in Appendix C, the concrete batch plant operation emissions were not estimated or included in the baseline emissions shown in Table 3.2.4 (Project Baseline Mass Daily Emissions) or included in the baseline emissions subtracted from the peak day construction emissions in Table 3.2.8 (Unmitigated Construction Mass Daily Emissions) and Table 3.2.9 (Mitigated Construction Mass Daily Emissions). These concrete batch plant emissions should be estimated and included in the Final EIR as part of the project baseline.

AQMD-7

5. **On-Road Emissions**

In the Air Quality and Climate Change Impact Assessment (AQA) in the Draft EIR, the lead agency estimated regional criteria and climate change air quality operational impacts by subtracting existing emissions from the Rolling Hills Country Club (Country Club) and the Chandler Palos Verdes Sand and Gravel facility (Chandler facility) from the peak daily operating emissions estimated for the proposed project activity (including 114 residences and a new golf course and clubhouse complex). Although activities will cease at the existing gravel facility, new truck trips to acquire materials currently obtained at the Chandler facility may be required from other similar facilities within the South Coast Air Basin to meet existing needs. Therefore, it may be inappropriate to subtract on-road emissions related to the Chandler facility from the estimated project operational emissions. In the Final EIR, the AQMD recommends that only the on-road emissions estimated for the existing Country Club be considered in the baseline emission calculations, unless the reduced demand and

AQMD-8

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April 21, 2010

subsequent reduction in truck trips and truck vehicle miles traveled can be demonstrated with implementation of the proposed project.

AQMD-8
(cont.)

AQMD Rules

6. Demolition Activities Involving Asbestos Removal

In the project description on page 2.0-22 of the Draft EIR, the lead agency described proposed demolition activities including the demolition of various structures that have the potential for contact with asbestos. In the Final EIR, the lead agency should cite compliance with AQMD Rule 1403 – Asbestos Removal. Compliance with this rule would also include testing prior to demolition and AQMD approval of Rule 1403 plans prior to the beginning of these activities.

AQMD-9

7. Citing Compliance with Rule 403 as a Mitigation Measure

On page 3.2-38 of the Draft EIR, the lead agency lists fugitive dust mitigation measures AQ-1 and AQ-4 citing compliance with AQMD Rule 403 – Fugitive Dust. The lead agency is reminded that complying with a rule, regulation, law, etc., should not be considered as mitigation if it is required. Instead, the effects of complying with a rule, e.g., Rule 403 should be part of the project description and incorporated into the project-specific impact calculations. Any potential dust control measures that exceed Rule 403 specifications should be disclosed to the public as additional mitigation measures.

AQMD-10

8. Large Operations Notification

Based on the project description, the lead agency states that the proposed project will include approximately 3.2 million cubic yards of earthwork during construction disturbing approximately 220 total acres during mass grading. Since it appears that the proposed project falls under the requirements of Rule 403 – Fugitive Dust for large operations according to AQMD Rule 403(c)(18), the lead agency should therefore submit to the AQMD Form 403N (Large Operation Notification Form) and contact AQMD engineering and compliance staff at (909) 396-2392.

AQMD-11

RESPONSES

AQMD-1: The South Coast Air Quality Management District (SCAQMD or District) provides opening remarks and requests that their comments be considered in the Final EIR. In response, Section 3.2 of the Recirculated Portions of the Draft EIR document and the corresponding updated *Air Quality and Climate Change Impact Assessment* (AQCCIA) (Sespe Consulting, Inc., June 7, 2010) specifically address the SCAQMD’s comments.

The SCAQMD’s request to be included on the distribution list for future projects is duly noted and the District was specifically sent all subsequent CEQA notices for this project.

AQMD-2: Section 3.2 of the Recirculated Portions of the Draft EIR document and the updated AQCCIA address the District’s concerns, provide expanded mitigation measures, and clarify the methodology that was used to calculate construction emissions and baseline conditions. The SCAQMD was provided with these documents and provided no further comments.

AQMD-3: Request and closing remarks are duly noted.

AQMD-4: To address this comment, dispersion modeling was conducted as part of the updated AQCCIA. The results of this modeling are included in the revised discussion of Impact AQ-2 beginning on pg. 3.2-33 of the Recirculated Portions of the Draft EIR document. The SCAQMD was provided with the updated AQCCIA and the Recirculated Portions of the Draft EIR document and the District provided no further comments.

AQMD-5: The SCAQMD provides a list of suggested additional mitigation measures for the project. The following table provides an analysis of these recommended measures:

Table 10.1	
SCAQMD Suggested Additional Particulate Matter Mitigation Measures	
Suggested Mitigation Measure	Analysis
Use electricity from power poles rather than temporary diesel or gasoline power generators.	MM AQ-14 was added to address this suggestion.
Provide incentives to the construction contractor to only use off-road equipment that meets that utilizes the most stringent emission controls available. The lead agency is recommended to consider the AQMD “SOON” Program which provides financial incentives to owners of construction equipment in order to upgrade their fleets.	MM AQ-12 provides such incentives. Per MM AQ-12, by utilizing cleaner equipment, more construction hours would be allowed per month.
Restrict operations to “clean trucks,” such as a 2007 or newer model year or 2010 compliant vehicle.	Not applicable because the construction grading balances onsite (see pg. 2.0-22, Section 2.4.6 <i>Proposed Construction Activities</i> of the Draft EIR) and no on-road hauling is required. Regardless, any onsite haul trucks would be subject to MM

Table 10.1
SCAQMD Suggested Additional Particulate Matter Mitigation Measures

Suggested Mitigation Measure	Analysis
	AQ-11 and MM AQ-12, which provide incentives to utilize clean construction equipment.
Configure construction parking to minimize traffic interference.	MM AQ-15 was added to address this suggestion.
Provide temporary traffic controls such as a flag person, during all phases of construction to maintain smooth traffic flow.	MM AQ-16 was added to address this suggestion.
Provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site.	Not applicable as there will be no on-road hauling. On-site/off-site movement of trucks and equipment would be limited to deliveries and construction employee trips, which would not be an increase from the existing amount of trips entering/exiting the site. Per the City's Traffic Engineer, delays entering/exiting the street during construction are not expected since there are plenty of traffic gaps on PV Drive East. Pursuant to MM AQ-16, heavy construction activity for deliveries (e.g., concrete, paving) would be handled with appropriate traffic controls to minimize idling trucks.
Schedule construction activities that affect traffic flow on the arterial system to off-peak hour to the extent practicable.	MM AQ-17 was added to address this suggestion.
Reroute construction trucks a way from congested streets or sensitive receptor areas.	MM AQ-18 was added to address this suggestion.
All vehicles and equipment will be properly tuned and maintained according to manufacturers' specifications.	MM AQ-19 was added to address this suggestion.
Suspend all excavating and grading operations when wind speeds (as instantaneous gusts) exceed 25 mph.	MM AQ-20 was added to address this suggestion.
All trucks hauling dirt, sand, soil, or other loose materials are to be covered.	MM AQ-21 was added to address this suggestion.
Pave road and road shoulders.	MM AQ-22 was added to address this

Table 10.1	
SCAQMD Suggested Additional Particulate Matter Mitigation Measures	
Suggested Mitigation Measure	Analysis
	suggestion.
Suspend all excavating and grading operations when wind gusts (as instantaneous gusts) exceed 25 mph.	Duplicate of suggested measure listed above. MM AQ-20 was added to address this suggestion.
Appoint a construction relations officer to act as a community liaison concerning on-site construction activity including resolution of issues related to PM10 generation.	MM AQ-23 was added to address this suggestion.

AQMD-6: To address this comment, dispersion modeling was conducted as part of the updated AQCCIA. The results of this modeling are included in the revised discussion of Impact AQ-3 beginning on pg. 3.2-37 of the Recirculated Portions of the Draft EIR document. The SCAQMD was provided with the updated AQCCIA and the Recirculated Portions of the Draft EIR document and the District provided no further comments.

AQMD-7: To address this comment, updated air quality modeling was conducted as part of the updated AQCCIA. The results of this modeling are included in the revised discussion of Impacts AQ-1 and AQ-2 of the Recirculated Portions of the Draft EIR document. The SCAQMD was provided with the updated AQCCIA and the Recirculated Portions of the Draft EIR document and the District provided no further comments.

AQMD-8: To address this comment and to utilize the most conservative analysis approach, updated air quality and greenhouse modeling was conducted as part of the updated AQCCIA. The results of this modeling are included in the revised discussion of Impacts AQ-1, AQ-2, and AQ-8 of the Recirculated Portions of the Draft EIR document. The SCAQMD was provided with the updated AQCCIA and the Recirculated Portions of the Draft EIR document and the District provided no further comments.

AQMD-9: Rule 1403 requirements are duly noted. Discussion of Rule 1403 in the EIR is not required, since the Rule does not correspond to any CEQA-level potentially significant environmental impacts of the project.

AQMD-10: Mitigation Measures AQ-1 through AQ-4 reinforce the requirements of Rule 403. While it may not be necessary to specify these requirements as CEQA mitigation measures, it is not improper to include such mitigation measures.

AQMD-11: The requirements for large operations pursuant to Rule 403 are duly noted.

LETTER FROM: CARL LIPO (PG. 1 OF 5)



CALIFORNIA STATE UNIVERSITY, LONG BEACH

DEPARTMENT OF ANTHROPOLOGY

Date: March 2, 2010

To: Niki Cutler, Principal Planner
City of Rolling Hills Estates

Cc: Members of the City Council
City of Rolling Hills Estates

From: Carl Lipo, Associate Professor
Department of Anthropology
California State University Long Beach

Re: Chandler Ranch/ Rolling Hills Country Club Project

I am a professor of Anthropology at California State University Long Beach who specializes in archaeological methods and who has worked in southern California for the past 8 years. Over the past two years, I have become involved in the documentation of a previously unrecorded archaeological deposit (CA-LAN-3863) that is located on the Chandler Preserve (currently managed by the Palos Verdes Land Conservancy). Through my involvement with this project and local residents, I have learned that there is an active proposal to develop the land just north of this side as part of the Chandler Ranch/Rolling Hills Country Club Project.

This project, as you are aware, has been put through the EIR review process. In terms of cultural resources, the EIR report states that recorded sites in the project impact area are no longer extant and that, consequently, only monitoring need be done to check for remains that might be uncovered during the construction process. This recommendation is fairly "standard practice" in California despite the fact that finds discovered during construction typically result in large-scale destruction of the archaeological record as well as costly delays to construction.

CL-1

General problems with this EIR recommendation aside, the Chandler Ranch/Rolling Hills Country Club project warrants additional consideration. There are a number of key facts upon which I make this claim.

- (1) *Previously recorded findings do provide systematic coverage of subsurface deposits.*
In the center of the planned project area, two archaeological deposits are known to exist: CA-LAN-276 and CA-LAN-277. Both of these "sites" were recorded by local archaeological enthusiast F.H. Racer who described archaeological materials on Palos

CL-2

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LETTER FROM: CARL LIPO (PG. 2 OF 5)

Verdes during the 1930s. Racer was not a professional archaeologist nor was he trained in systematic data collection. His records consist of locations where pot-hunters and farmers noted finding artifacts associated with prehistoric Native American occupation. As such, these "sites" reflect places where plowing or erosion exposed cultural remains. His list of sites, however, cannot be taken as a systematic search of the region. Thus, places where sites are *not known* cannot be assumed to be places without cultural deposits since it means that these are places where no one has yet systematically looked. In addition, the boundaries of locations drawn for sites simply indicate areas where farmers/pot-hunters found large, easily recognized artifacts such as stone bowls, mortars and pestles, etc. As I'll note below, this does not mean that places without sites are absent of significant cultural resources: the large new finding on the Chandler Preserve is just such a case where archaeological identification has occurred in the last several years.

CL-2
(cont.)

These farmer/pot-hunter locations were turned into "site records" in the 1960s by archaeologist D.L. True. True used Racer's 1930s descriptions to create standardized "site records" that formed the official registration database for California. The product of this process is the collection of site records currently held at statewide archaeological information centers such as the one at CSU Fullerton. Once again, this process does not necessarily mean that anyone went out to look for cultural remains. Indeed, these records largely consist of quotes from Racer's original accounts.

Given the history of the existing site records for cultural remains in this area, one cannot rely on described locations and boundaries as being the only places that might contain archaeological remains. In fact, given the Chandler Preserve finding we know that this assumption is in error. Consequently, the EIR statement that declares that no further study or pre-construction investigation is required is in error.

(2) *Modern surface use as a golf course does not allow good evaluation of subsurface deposits*

One of the major problems with archaeological studies is that they often rely on the surface to be an indicator of the buried subsurface deposits. When there is regular ground disturbance due to plowing or from animal burrows relatively shallow buried deposits can often be identified by surface examination. In the case of studies of the Chandler Ranch/Rolling Hills Country Club project, however, surface information is unlikely to reveal information about the subsurface. With thick grassy turf and sand traps, golf courses have a highly stable and managed surface with little turbation to bring buried items to the surface.

CL-3

Consequently, any evaluation of the Chandler Ranch/Rolling Hills Country Club project area for buried cultural materials must include systematic and wide-scale *subsurface* inspection. This can be accomplished in a cost-effective and efficient way through a program of coring, ground penetrating radar and other kinds of near-surface remote sensing. Given that these studies were not conducted for the project area (except for limited trenching and excavation in the "site" areas), the basis upon which EIR recommendations are made is inadequate.

LETTER FROM: CARL LIPO (PG. 3 OF 5)

(3) *Known deposits are described as being 8-15 feet below the surface.*

The site records for CA-LAN-276 describes this deposit as having human remains and many large artifacts. Of course, there is particular concern over the possibility of encountering human remains during the course of construction as this kind of finding would result in a major disturbance that would necessitate work-stoppage, agency review, and many upset citizens.

My main concern about this deposit is that was originally described as being 8-15 feet below the surface. Yet, the work conducted as part of the EIR evaluation was limited to just the top 3-feet (or 1 meter). Thus, these excavations had little to no chances of encountering a deeply buried deposit such as that described in the site record. As a result, the empirical basis upon which the EIR recommendations were made is insufficient, as the lack of findings cannot be relied upon to indicate that no buried materials remain extant in the project area.

CL-4

(4) *Trenching and subsurface studies were done with consideration for golf course surface but not known archaeological deposits.*

During the archaeological investigations, the lack of surface evidence for a prehistoric deposit, meant that trenches were placed in relatively arbitrary locations.. This decision, however, means that findings from these trenches cannot be specifically used to evaluate the likelihood of buried deposits as recorded by Racer.

Resolving this problem would require one of two approaches. First, analysis of historic maps, historic aerial photos and other kinds of imagery might have provided a better basis for determining the approximate location of CA-LAN-276 and CA-LAN-277. Given that the golf course has resulted in a dramatically modified surface, such historic resource would be a reasonable way to base sub-surface sampling decisions. Second, extensive subsurface evaluation might have been done using coring to create a systematic grid of sampled points over the region considered to be the previous location of the deposit. This strategy would have strengthened the argument (if nothing were found) that the deposit is no longer extant. Based on what was done, however, the conclusions made in the EIR are likely based on flawed inferences from limited observations.

CL-5

(5) *Modern and appropriate methods not employed during archaeological studies.*

Since the 1970s, archaeology has seen an explosion of techniques that provide information about subsurface deposits without requiring major excavations. These techniques are cost-effective and vastly cheaper than typical unit excavations especially when large areas must be studied. In addition, many have the ability to resolve features deep beneath the surface: a feature not possible with traditional surface inspection or shovel-based excavations. Of these techniques, coring, magnetometer, resistivity, ground penetrating and conductivity might be profitably used to evaluate the area for the potential for buried deposits. The specific choice of tools would have to be decided based on soil composition, expected deposit conditions and depth. However, it is certain that these approaches would provide additional, more extensive and better information than the set of shallow excavations and trenches conducted to generate data for the EIR.

CL-6

LETTER FROM: CARL LIPO (PG. 4 OF 5)

Importantly, the results of such studies could be profitably used to pinpoint areas for further excavation and/or detailed monitoring.

CL-6
(cont.)

Based on this fact, it appears that the information used to generate the EIR recommendations is inadequate, as the studies did not use modern, up-to-date means for investigating the project area.

- (6) Existing of large previously unknown deposit just south of project (and potentially overlapping with the project impact area), not taken into consideration in current EIR mitigation measures.

My involvement in this project comes from working with local residents to record a relatively large prehistoric deposit located just south of (and adjacent to) the Chandler Ranch/Rolling Hills Project area. This deposit, CA-LAN-3863, has a wide variety of artifacts that suggest an occupation that began at least 3,000 B.C. The fact that such a large deposit was only just recently noticed and recorded points to the major problem with assuming that the only existing deposits that might be impacted are the ones recorded in state records. As I mentioned in my point #1, these records tell us only where people have found artifacts, not where cultural material is *not* located.

CL-7

In addition, the "boundaries" circumscribing the sites are entirely arbitrary as they are made on the basis of surface observations in conditions where vegetation and other kinds of surface litter obscure artifacts. Given the proximity of CA-LAN-276 to CA-LAN-3863, it is entirely possible that artifacts for these two sites are continuous with one another and represent one or more occupations throughout prehistory. If so, impact to the archaeological record needs to be considered as a whole since the northern area may represent some specialized functional use that is linked directly with the one to the south. The destruction of the CA-LAN-276, if still extant, could directly diminish the integrity of CA-LAN-3863.

At the time of investigations that formed the basis for the EIR, CA-LAN-3863 was not currently identified as a prehistoric deposit. If it were, potential impacts to this deposit would have been considered and work would have been done to assess its relation with nearby resources. Now that this deposit is known, however, the EIR should be reconsidered in light of this new information as it is currently based on inadequate information.

- (7) Recommendations in the EIR were made on an arbitrarily restricted set of options.

While it is common practice to recommend monitoring when recorded archaeological deposits are not located during the course of investigations, this recommendation is far from the only one possible. In this particular case, monitoring has relatively limited potential for evaluating the project area as a whole. Individuals can only be at one place at a time and there is no way of knowing where buried deposits might turn up given existing descriptions of the locations of artifacts and extent of modern surface modifications. Given that there is a possibility of human remains being found in deeply buried deposits, this issue is of significant concern.

CL-8

LETTER FROM: CARL LIPO (PG. 5 OF 5)

Rather than simply monitoring construction, a recommendation might have been made for “controlled” grading that would allow monitors (archaeology and Native American) to observe the subsurface as it is exposed in a systematic fashion. This recommendation would have enabled construction to continue but would allow those concerned with protecting resources an opportunity to make sure that as each 10-20cm block of dirt were removed, the surface is examined for cultural materials. By recommending a controlled stripping of the area, it might be possible to minimize the destruction of materials while also moving forward with the project.

CL-8
(cont.)

Overall, it is my professional judgment that the portions of the EIR that address cultural resources are inadequate and flawed. Thus, I recommend that the details of the cultural resource impact and mitigation plan be revisited. At your convenience, I would be happy to discuss these issues with you and your staff.

CL-9

Sincerely,



Carl P. Lipo
Department of Anthropology
California State University Long Beach
clipo@csulb.edu
562-985-2393

RESPONSES

CL-1: The commenter makes opening remarks, provides background information, and introduces comments that are detailed in latter paragraphs in the letter. Responses to Dr. Lipo's detailed comments are provided below.

Of additional note, in the second paragraph of the letter Dr. Lipo claims, "the EIR report states that recorded sites in the project impact area are no longer extant and that, consequently, only monitoring need be done to check for remains that might be uncovered during the construction process." To clarify, the EIR recommends monitoring be conducted because of the cultural sensitivity of the site and surrounding area (a minimum of seven recorded sites have been identified within or adjacent to the project area) and since the project's archaeological testing program discovered resources in two of the three areas tested onsite. See the discussion of Impact CULT-2 beginning on pg. 3.4-13 of the Draft EIR.

CL-2: Commenter provides background information, which is consistent with the Draft EIR and corresponding cultural resources investigations (as contained in EIR Appendix D). To clarify, the EIR does not declare that no further cultural resource investigations are required. Rather, the EIR recommends archaeological and Native American monitoring during construction.

CL-3: The Phase I and Phase II cultural resource investigations conducted by McKenna et al. (as included in EIR Appendix D) included the following:

- Archaeological Records Search
- Consultation with the Native American Heritage Commission
- Consultation with Native American Representatives
- Walk-Over Surveys (i.e., Phase I Field Surveys)
- Phase II Testing Program for CA-LAN-276, which included
 - 170 linear meters of trenching
 - Evaluation of 340 linear meters of soil profiles
 - Visual inspection of 114 cubic meters of trenched soil
 - Screening of 20 back dirt units, each of which was approximately 1 cubic meter
- Phase II Testing Program for CA-LAN-277, which included
 - 136 linear meters of trenching
 - Evaluation of 272 linear meters of soil profiles
 - Visual inspection of 92 cubic meters of trenched soil

- Screening of 20 back dirt units, each of which was approximately 1 cubic meter
- Phase II Testing Program for CA-LAN-3583 (Chandler 1137-1), which included
 - Transect surface investigation of 8,550 square meters
 - 150 linear meters of trenching
 - Evaluation of 300 linear meters of soil profiles
 - Visual inspection of 100 cubic meters of trenched soil
 - Screening of 7 back dirt units, each of which was approximately 1 cubic meter

In addition to the testing conducted for the Chandler Ranch/Rolling Hills Country Club Project, McKenna et al. conducted a Phase I analysis of the immediately adjacent Cypress Street Reservoir Site and subsequent archaeological monitoring of that project's construction, which involved 70,000 cubic yards of grading.

With this depth of local experience and investigation, McKenna concluded that the project site, while highly disturbed due to years of operation as a sand and gravel facility and grading/sculpting of the golf course, remains sensitive for cultural resources. Thus, Mitigation Measure CULT-1 was included in the EIR to require archeological and Native American Monitoring during grading and other subsurface construction activities.

Dr. Lipo suggests additional investigations be conducted, such as “coring, ground penetrating radar and other kinds of near-surface remote sensing.” However, it is unclear how such additional investigations would change the conclusion that the project area is sensitive for cultural resources. Coring can provide some information, but very limited information. Given the modern contouring of the golf course, the current surface does not reflect the historic or prehistoric landform. While coring will provide information on the extent of the changes to the surface, such information can be compiled through non-invasive research (e.g., golf course development records). Ground penetrating radar and other remote sensing techniques have been used for over thirty years (with respect to archaeological investigations) and equipment has been significantly improved. These techniques are used to identify changes in the natural soils and to identify anomalies that may constitute the presence of buried features. Radar and remote sensing rely on an analysis of reading, but will reflect the current status of the deposits. The applicability of such approaches in highly disturbed areas or in areas identified as urban (e.g., essentially all of Los Angeles County) has been shown to be problematic. The presence of buried utilities (e.g., pipelines, sewers, culverts), overhead electrical lines, cell towers, and even airplanes, have been shown to interfere with reading and efforts to identify prehistoric archaeological features. In this case, ground penetrating radar or remote sensing would be laborious, costly, and unlikely to yield data that could be used to identify sensitive archaeological deposits. Such data can be acquired quickly and with more accuracy by applying more traditional archaeological techniques (e.g., trenching). Thus, ground penetrating radar and/or other remote sensing techniques do not appear to be applicable to this site.

CL-4: As noted in the Phase II report (as contained in EIR Appendix D), the contouring of the golf course resulted in the removal of a significant amount of soil from the area. It must be emphasized that the current surface is not representative of the surface in the 1930s when Racer noted the sites or the 1960s when True recorded the sites. McKenna's trenches were dug to a 1-meter depth because the upper 3-4 meters of soil had already been removed. Furthermore, the references to 8-15 feet are arbitrary. The entire natural area undulated and while there may have been an area with 8-15 feet of buried deposits, that does not mean the deposits were continuous from surface to 15 feet below surface. Finally, the materials that were encountered during trenching are more important than the numerical depth of the trenching. Trenching was dug to a depth that yielded evidence of paleosols - which is readily identified as pre-human occupation; thus, prehistoric human-age soils were encountered and investigated during trenching. Given the information above, McKenna is confident that the trenching program was an adequate assessment of the previously recorded CA-LAN-276 site.

CL-5: In contrast to the commenter's assertion, trenching was not conducted in arbitrary locations. McKenna utilized the Universal Transverse Mercator (UTM) coordinates identified on the corresponding cultural resource records forms (CA-LAN-276 and CA-LAN-277) to identify the appropriate trenching locations. In addition, the trenches dug for CA-LAN-276 covered an area approximately 100 meters (328 feet) long by 20 meters (66 feet) wide; and the trenches dug for CA-LAN 277 covered an area approximately 80 meters (262 feet) long by 20 meters (66 feet) wide.

CL-6: See response to comment CL-3.

CL-7: Information regarding the recently recorded CA-LAN-3863 site to the southwest of the project site is noted. Nevertheless, its presence does not change McKenna's previous findings. McKenna's Phase II report stated in numerous areas that additional resources are highly likely. Thus, the Phase II report and the EIR include recommendations for monitoring.

CL-8: In light of the suggestions provided by Dr. Lipo, Mitigation Measure CULT-1 has been revised as follows:

MM CULT-1: A full-time archaeological monitor(s) and Native American/Gabrieliño-Tongva representative(s) shall be present onsite during the demolition and grading phases of project construction, and during other construction activities that disturb soils, such as trenching for pipes and foundations. The archaeological monitor(s) must be a Registered Professional Archaeologist (RPA) or a trained monitor working under the direct supervision of an RPA. The monitor(s) must oversee all excavations and have the ability to recognize, record, and/or recover isolated finds during the monitoring program and have the authority to halt any activities adversely impacting potentially significant cultural resources. The monitor(s) must maintain daily notes on the operations and isolated finds and maintain a detailed photographic record of the ground altering activities.

~~In addition to monitoring during grading, the archaeological monitor(s) shall conduct a focused, pre grading testing program~~

~~(minimally trenching), which would ideally occur after golf play has been suspended. The monitor(s) shall review the information contained in this EIR, other available cultural resource information about the site and surrounding area (e.g., archaeological records forms), historic aerial photography, and other historic mapping, and develop the investigation techniques/survey methodology in consideration of such available information. The investigation techniques/survey methodology shall be subject to the review and approval of the City of Rolling Hills Estates and, minimally, the testing program shall include additional trenching. Using a current and standard approach to trenching, the program can provide up to a 3% sample of the area tested thereby protecting up to 97% of any resources that might be present. If resources are identified, they shall be assessed (Phase II) prior to the mass grading program.~~

In addition to the archaeological monitoring, the consulting archaeologist will conduct a focused, pre-grading testing program (i.e., minimally, a trenching program) that would be undertaken, preferably, after the golf course activities are suspended.

The archaeological consultant shall review all information contained in this EIR, other available cultural resource information regarding the project site and general area, historic aerial photographs, historic maps, and the records maintained by the Golf Course pertaining to the development of the course and, specifically, changes made to the natural contours of the property. The trenching program shall be designed to obtain a minimum of a 3% sample of the subsurface in areas identified as sensitive for buried resources. Based on the results of this testing program, any identified resource(s) shall be evaluated to determine if the resource would add significant data to the current understanding of the prehistoric use of the area.

If any discovered resource(s) would add significant data to the current understanding of the prehistoric use of the area, a Phase III (data recovery) program shall be implemented. Said Phase III analysis shall, at a minimum, consist of a sampling no less than 10% of the area identified as the resource (as defined through the Phase II study).

If any the resource(s) discovered during the monitoring or testing program is determined to be of Native American origin, the Native American/Gabrieliño-Tongva representative(s) onsite will be able to assist in the completion of the monitoring program. If any evidence of human remains is uncovered, the archaeological monitor shall have the authority to shut the project down, contact the Principal Investigator, who will contact the County

Coroner and Native American Heritage Commission. If the remains are declared of Native American descent, the Most Likely Descendant (MLD) will be named by the Native American Heritage Commission and consultation pertaining to the disposition of the remains will be undertaken. Activities will not commence at the site of the remains until clearance is afforded by the Coroner, Commission, Archaeological Consultant, and MLD.

CL-9: Closing remarks are made. No response is required.