APPENDIX A

NOTICE PREPARATION/INITIAL STUDY (NOP/IS)

COMMENTS AND RESPONSE TO COMMENTS RECEIVED ON THE NOP/IS

STATE OF CALIFORNIA — Arnold Schwarzenegger, Governor

NATIVE AMERICAN HERITAGE COMMISSION
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December 7, 2006

Mr. Mike Krause
South Coast Air Quality Management District
21865 E. Copley Drive
Diamond Bar, CA 91765

SENT BY FAX: to: 909-396-3324
Number of Pages: 3

Re: SCH# 2006111138; CEQA Notice of Preparation (NOP) draft Environmental Impact Report (DEIR) for Conoco Phillips Los Angeles Refinery PM10 and NOx Reduction Projects; Los Angeles County

Dear Mr. Krause:

Thank you for the opportunity to comment on the above-referenced document. The California Environmental Quality Act (CEQA) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR per CEQA guidelines § 15064.5(b)(c). In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE),' and if so, to mitigate that effect. To adequately assess the project-related impacts on historical resources, the Commission recommends the following action: 1-1

√ Contact the appropriate California Historic Resources Information Center (CHRIS). The record search will determine:

- If a part or the entire (APE) has been previously surveyed for cultural resources.
- If any known cultural resources have already been recorded in or adjacent to the APE.
- If the probability is low, moderate, or high that cultural resources are located in the APE.
- If a survey is required to determine whether previously unrecorded cultural resources are present. 1-2

√ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.

- The final report containing site forms, site significance, and mitigation measurers should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for pubic disclosure.
- The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center. 1-3

√ Contact the Native American Heritage Commission (NAHC) for:

* A Sacred Lands File (SLF) search of the project area and information on tribal contacts in the project vicinity who may have information on cultural resources in or near the APE. Please provide us site identification as follows: USGS 7.5-minute quadrangle citation with name, township, range and section. This will assist us with the SLF. 1-4

- Also, we recommend that you contact the Native American contacts on the attached list to get their input on the effect of potential project (e.g. APE) impact.

√ Lack of surface evidence of archeological resources does not preclude their subsurface existence.

- Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5 (f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities. 1-5
- Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.

√ Lead agencies should include provisions for discovery of Native American human remains or unmarked cemeteries in their mitigation plans. 1-6

* CEQA Guidelines, Section 15064.5(d) requires the lead agency to work with the Native Americans identified by this Commission if the initial Study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American, identified by the NAHC, to assure the appropriate and dignified treatment of Native American human remains and any associated grave liens. 1-7

√ Health and Safety Code §7050.5, Public Resources Code §5097.98 and Sec. §15064.5 (d) of the CEQA Guidelines mandate procedures to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery. 1-8

√ Lead agencies should consider avoidance, as defined in § 15370 of the CEQA Guidelines, when significant cultural resources are discovered during the course of project planning. 1-9

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

Sincerely,

Dave Singleton
Program Analyst

Cc: State Clearinghouse
Attachment: List of Native American Contacts

Native American Contacts
Los Angeles County
December 7, 2006

LA City/County Native American Indian Comm
Ron Andrade, Director
3175 West 6th Street, Rm. 403
Los Angeles , CA 90020

(213) 351-5324

(213) 386-3995 FAX

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

Tongva Ancestral Territorial Tribal Nation
John Tommy Rosas, Tribal Adminstrator
4712 Admiralty Way, Suite 172 Gabrielino Tongva
Marina Del Rey , CA 90292

310-570-6567

Gabrieleno/Tongva Tribal Council
Anthony Morales, Chairperson
PO Box 693 Gabrielino Tongva
San Gabriel , CA 91778

(626) 286-1632
(626) 286-1758 - Home
(626) 286-1262 Fax

Gabrielino/Tongva Counci / Gabrielino Tongva Nation
Sam Dunlap, Tribal Secretary
761 Terminal Street; Bldg 1, 2nd Floor Gabrielino Tongva
Los Angeles , CA 90021
(909) 262-9351-Cell
(213) 489-5001-Office

(213) 489-5002 Fax

Gabrielino Band of Mission Indians of CA
Ms. Susan Frank
PO Box 3021 Gabrielino
Beaumont , CA 92223

(951) 845-3606
Phone/Fax

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

Distribution of this list does not relieve any person of statutory responsibilitiey as defined in Sec. 7050,5 of the Health & Safety Code, Sec. 5097.94 of the Public Resources Code and Sec. 5097.98 of the Publi Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2006111138; CEQA Notice of Preparation (NOP) draft Environmental Impact Report (DEIR) for Conoco Phillips Los Angeles Refinery PM10 and NOx Reduction Projects; Los Angeles County, California.

Native American Contacts
Los Angeles County
December 7, 2006

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

562-920-9449 - fax

Gabrielino Tongva

Gabrielino Tongva Indians of California Tribal Council
Mercedes Dorame, Tribal Administrator
20990 Las Flores Mesa Drive
Malibu , CA 90265

Gabrielino Tongva

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

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COMMENT LETTER NO. 1
NATIVE AMERICAN HERITAGE COMMISSION

Response 1-1

The SCAQMD is aware of the requirements of CEQA Guidelines §15064.5 and has complied with this section as well as all other relevant CEQA requirements. As stated on pages 2-12 and 2-13 of the Initial Study for the ConocoPhillips Los Angeles Refinery PM10 and NOx Reduction Projects, potential significant adverse impacts on cultural resources were not anticipated, and therefore were not analyzed further in the Draft EIR. This conclusion is based on the fact that there are no prehistoric or historic structures or objects within the Wilmington or Carson Plants or adjacent areas. The entire Wilmington and Carson Plant sites have been previously graded and developed. No known human remains or burial sites have been identified at the Wilmington or Carson Plants during previous construction activities so the proposed projects are not expected to result in impacts to cultural resources. If cultural resources were to be encountered unexpectedly during ground disturbance associated with construction of the proposed projects, proper procedures (i.e., contacting professional archaeologist, temporarily halting disturbance work in vicinity, etc.) will be taken. Further, the Refinery's sites do not contain known paleontological resources and thus the proposed projects also are not expected to impact any sites of paleontological value.

As a result, no impacts to historical, archaeological or paleontological resources (as defined in §15064.5 of the CEQA Guidelines) will occur as a result of the implementation of the proposed project.

Response 1-2

The ConocoPhillips Los Angeles Refinery PM10 and NOx Reduction Projects are proposed to occur within the boundaries of existing petroleum refineries. The primary objective of these compliance projects is to install air pollution control equipment adjacent to the existing fluid catalytic cracking unit (FCCU) and a boiler at the ConocoPhillips Wilmington Plant, and adjacent to a boiler at the Carson Plant. The sites adjacent to the existing equipment have been previously disturbed to accommodate refinery projects associated with the placement and relocation of infrastructure (i.e., underground utilities and piping) and no cultural resources or native American remains were found during these subsurface activities in or surrounding the property (i.e., area of potential effect).

As a result, based on historical activities at the sites, the proposed projects were determined to not cause a potential "substantial adverse change in the significance of any historical resource" which would require a further evaluation of cultural resources in the draft EIR. See also response 1-1.

Response 1-3

An archaeological inventory survey was not required to be performed for the proposed project. See response 1-2 for reasons why a survey was not required.

Response 1-4

As noted in response 1-1, additional archaeological investigations are not required.

Response 1-5

As noted in response 1-1, no previous excavation activities at either facility have discovered any cultural or archaeological resources. Further, as concluded on pages 2-12 and 2-13 of the Notice of Preparation/Initial Study for the ConocoPhillips Los Angeles Refinery PM10 and NOx Reduction Projects, no impacts to cultural resources were determined to result from the proposed project. As a result, no further analysis of cultural resources in the draft EIR was required.

Based on the historical use of the site and the numerous construction activities which included subsurface activities, the likelihood of encountering cultural resources is low. It should be noted, however, that construction activities for the proposed projects at the ConocoPhillips Refinery's Wilmington and Carson Plants include standard procedures for accidentally encountering any archaeological, Native American or cultural resources on-site. Compliance with all local, state and federal regulations (and notifications) will occur in the event of an accidental discovery of any cultural or historic resources.

Response 1-6

With regard to the potential for discovery of Native American remains, refer to responses 1-1, 1-2 and 1-5.

Response 1-7

As stated on pages 2-12 and 2-13, the Notice of Preparation/Initial Study did not identify the presence or likely presence of Native American human remains. Therefore, agreements with Native Americans to assure appropriate treatment of Native American human remains are not required unless Native American human remains are discovered during site excavation. See also responses 1-1, 1-2 and 1-5.

Response 1-8

As noted in responses 1-1 and 1-2, discovery of human remains relative to the proposed project is not anticipated. However, the ConocoPhillips Los Angeles Refinery PM10 and NOx Reduction Projects' construction activities will cease to prevent further disturbance if human remains are unearthed, until the County Coroner has made the necessary findings with respect to origin and disposition, as required by Public Resources Code 5097.98-99 and Health and Safety Code 7050.5.

Response 1-9

CEQA Guidelines §15370(a) defines avoidance as: "Avoiding the impact altogether by not taking a certain action or parts of an action." As stated on pages 2-12 and 2-13 of the Notice of Preparation/Initial Study, the presence or likely presence of Native American human remains was not identified. Also, please see responses 1-1 and 1-2. However, in the event significant cultural resources in the form of Native American human remains are discovered, construction activities will cease and ConocoPhillips will comply with proper federal, state and local regulations as described in response 1-5.

Post Office Box 90

Wilmington, California 90748

Wilmington Chamber of Commerce

Mr. Michael Krause
South Coast AQMD
21865 Copley Drive
Diamond Bar, CA 91765-4182

December 13, 2006

Subject: Comments on the NOP of Draft EIR, ConocoPhillips Refinery, PM10 and NOx Reduction Projects

Dear Mr. Krause:

On behalf of the Wilmington Chamber of Commerce, I am writing to express our support for ConocoPhillips PM10 and NOx Reduction Projects. We are particularly enthusiastic about the installation of the Wet Gas Scrubber system at the Wilmington Refinery. We understand that this new system has the potential to reduce sulfur oxides (SOx) emissions by as much as 50 – 60% a year. Ammonia and particulate emissions will also be significantly reduced. These results are an important step forward in the difficult business of improving air quality for our communities and beyond.

While we understand that there will be a continuous steam plume coming from the Wet Gas Scrubber, we believe the environmental benefits are well-worth the visual aesthetics of a steam plume.

The mission of the Wilmington Chamber of Commerce is to promote, support and enhance a positive business environment and improve the quality of life in our community. ConocoPhillips' PM10 and NOx Reduction Projects at their refineries are fully aligned with our mission. These projects should proceed as quickly as possible.

2-1

I can be reached at 310.834.8586 should you have questions or comments.

Sincerely,

Dan Hoffman

Dan Hoffman
Executive Director

Cc: Andy L. Perez

Tel (310) 834.8586 Fax (310) 834.8887

COMMENT LETTER NO. 2
WILMINGTON CHAMBER OF COMMERCE

Response 2-1

Thank you for your comment and support of the ConocoPhillips Los Angeles Refinery PM10 and NOx Reduction Projects.