

APPENDIX C

COMMENTS AND RESPONSE TO COMMENTS RECEIVED ON THE DRAFT NEGATIVE DECLARATION

APPENDIX C

FINAL NEGATIVE DECLARATION

CHEVRON PRODUCTS EL SEGUNDO REFINERY FCCU NO_x REDUCTION PROJECT

RESPONSE TO COMMENTS

INTRODUCTION

This Appendix, together with the Draft Negative Declaration constitutes the Final Negative Declaration for the Chevron Products El Segundo Refinery Fluid Catalytic Cracking Unit (FCCU) NO_x Reduction Project.

The Draft Negative Declaration was circulated for a 30-day public review and comment period, which started on February 6, 2007, and ended March 7, 2007. The Draft Negative Declaration is available at the SCAQMD Headquarters located at 21865 Copley Drive, Diamond Bar, California 91765 or by phone at (909) 396-2039.

The Draft Negative Declaration included a detailed project description, the environmental setting for each environmental resource, and an analysis of each environmental resource on the California Environmental Quality Act (CEQA) checklist including all potentially significant environmental impacts. Based on the Draft Negative Declaration, no significant adverse environmental impacts were identified associated with the proposed project.

The SCAQMD received three comment letters on the Draft Negative Declaration during the public comment period. Responses to the comment letters are presented in this Appendix. The comments are bracketed and numbered. The related responses are identified with the corresponding number and are included in the following pages. Pursuant to CEQA Guidelines §15073.5(c)(2), recirculation is not necessary since the information is provided in response to written comments on the project's effects does not identify any new, avoidable significant effects.

DEPARTMENT OF PUBLIC WORKS

FLOOD CONTROL • SOLID WASTE MGMT • SURVEYOR • TRANSPORTATION



COUNTY OF SAN BERNARDINO
PUBLIC AND SUPPORT
SERVICES GROUP

SOLID WASTE MANAGEMENT DIVISION
222 West Hospitality Lane, Second Floor • San Bernardino, CA 92415-0017 • (909) 386-8701
Administration/Engineering/Solid Waste Programs Fax (909) 386-8900
Fiscal Section/Operations Fax (909) 386-8786

PATRICK J. MEAD
Director of Public Works

PETER H. WULFMAN
Solid Waste Division Manager

February 7, 2007

Mike Krause
SCAQMD
21865 Copley Drive
Diamond Bar, CA 91765-4182

RE: NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATION/CHEVRON PRODUCTS EL
SEGUNDO REFINERY FLUID CATALYTIC CRACKING UNIT NOx REDUCTION PROJECT

Dear Mr. Krause:

Staff has reviewed the documents provided for the above-referenced project and finds that no conditions are required from our division.

Should you have any questions or comments, please feel free to contact me or Tracey Anthony by phone at (909) 386-9063; by facsimile at (909) 386-8964, by mail to the address listed above, or by e-mail to NSansonetti@swm.sbcounty.gov or TAnthony@swm.sbcounty.gov.

Sincerely,

Nancy Sansonetti, Supervising Planner/Chief
Planning & Permitting Section

cc: Peter Wulfman, Division Manager – County of San Bernardino Solid Waste Management Division
Tracey Anthony, Senior Associate Planner
File

1-1

MARK H. UFFER
County Administrative Officer
NORMAN A. KANOLD
Assistant County Administrator
Public and Support
Services Group

Board of Supervisors
BILL POSTMUS First District DENNIS HANSBERGER Third District
PAUL BIANE Second District GARY C. OVITT Fourth District
JOSIE GONZALES Fifth District

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COMMENT LETTER NO. 1
COUNTY OF SAN BERNARDINO DEPARTMENT OF PUBLIC
WORKS

SCAQMD would like to thank the San Bernardino Department of Public Works (SBDPW) for their review and comments. It is noted that the SBDPW has no comments regarding the Chevron Products El Segundo Refinery Fluid Catalytic Cracking Unit NOx Reduction Project.

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
e-mail: ds_nahc@pacbell.net



February 22, 2007

Mr. Michael Krause, Air Quality Specialist
SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT
21865 Copley Drive
Diamond Bar, CA 91765-4182

Re: SCH#2007021023; CEQA Notice of Completion: Negative Declaration for Chevron Products El Segundo Refinery Fluid Catalytic Cracking Unit NOx Reduction Project; South Bay; Los Angeles County, California

Dear Mr. Krause:

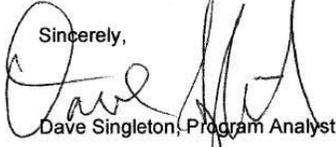
Thank you for the opportunity to comment on the above-referenced document. The Native American Heritage Commission is the state's Trustee Agency for Native American Cultural Resources. The California Environmental Quality Act (CEQA) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological 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:

- √ Contact the appropriate California Historic Resources Information Center (CHRIS). Contact information for the Information Center nearest you is available from the State Office of Historic Preservation (916/653-7278)/ <http://www.ohp.parks.ca.gov/1068/files/IC%20Roster.pdf> 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.
- √ 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 measures 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 public disclosure.
 - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.
- √ Contact the Native American Heritage Commission (NAHC) for:
 - * A Sacred Lands File (SLF) search of the project area and information on tribal contacts in the project vicinity that may have additional cultural resource information. Please provide this office with the following citation format to assist with the Sacred Lands File search request: USGS 7.5-minute quadrangle citation with name, township, range and section.
 - The NAHC advises the use of Native American Monitors to ensure proper identification and care given cultural resources that may be discovered. The NAHC recommends that contact be made with Native American Contacts on the attached list to get their input on potential project impact (APE).
- √ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
 - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5 (f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
 - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
- √ Lead agencies should include provisions for discovery of Native American human remains or unmarked cemeteries in their mitigation plans.

APPENDIX C

* 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.	2-8
√ 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.	2-9
<u>√ 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.</u>	2-10

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
February 22, 2007

Cahuilla Band of Indians
Anthony Madrigal, Jr., Interim-Chairperson
P.O. Box 391760 Cahuilla
Anza , CA 92539
tribalcouncil@cahuilla.net
(951) 763-5549
(951) 763-2808 Fax

Gabrieleno/Tongva Tribal Council
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

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

Gabrielino Tongva Indians of California Tribal Council
Robert Dorame, Tribal Chair/Cultural Resources
5450 Slauson, Ave, Suite 151 PMB Gabrielino Tongva
Culver City , CA 90230
gtongva@earthlink.net
562-761-6417 - voice
562-920-9449 - fax

Ti'At Society
Cindi Alvitre
6602 Zelzah Avenue Gabrielino
Reseda , CA 91335
calvitre@yahoo.com
(714) 504-2468 Cell

Gabrielino Tongva Indians of California Tribal Council
Mercedes Dorame, Tribal Administrator
20990 Las Flores Mesa Drive Gabrielino Tongva
Malibu , CA 90265
Pluto05@hotmail.com

Tongva Ancestral Territorial Tribal Nation
John Tommy Rosas, Tribal Administrator
4712 Admiralty Way, Suite 172 Gabrielino Tongva
Marina Del Rey , CA 90292
310-570-6567

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

Distribution of this list does not relieve any person of 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 only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2007021029; CEQA Notice of Completion; Negative Declaration for Chevron Products El Segundo Refinery Fluid Catalytic Cracking Unit NOx Reduction Project; South Bay; Los Angeles County, California.

COMMENT LETTER NO. 2
NATIVE AMERICAN HERITAGE COMMISSION

Response 2-1

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

Response 2-2

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 2-16 through 2-18 of the Negative Declaration for the Chevron Products El Segundo Refinery FCCU NOx Reduction Project, potential significant adverse impacts on cultural resources were not anticipated. This conclusion is based on the fact that there are no prehistoric or historic cultural resources or paleontological resources within the boundaries of the Chevron El Segundo Refinery.

The entire Refinery site has been previously graded and developed. The larger Refinery structures and equipment are supported on concrete foundations. The remainder of the site is unpaved. Any archaeological or paleontological resources that may have been present prior to development of the Refinery are not expected to be found at the site due to past disturbance. In addition, an August 2005 records search indicated that 14 archaeological investigations have been performed within a 0.5-mile radius of the Refinery, including three surveys of small linear areas within the Refinery boundaries. No prehistoric sites or Native American sacred lands are recorded within the Refinery boundaries or within 0.5-mile radius of the facility. No paleontological resources are known to exist at the facility.

If cultural resources were to be encountered unexpectedly during ground disturbance associated with construction of the proposed project, proper procedures (i.e., contacting professional archaeologist and a Gabrielino/Tongva representative, temporarily halting or redirecting disturbance work in vicinity, etc.) will be taken. Further, the Refinery's site does not contain known paleontological resources and, thus, the proposed project is not expected to adversely affect any sites of paleontological value.

Response 2-3

The Chevron Products El Segundo Refinery FCCU NOx Reduction Project is proposed to occur within the boundaries of an existing petroleum refinery. The primary objective of this compliance project is to install a SCR unit in the FCCU at the Chevron Products El Segundo Refinery. The site adjacent to the FCCU has 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).

Federal state and local historic listings were reviewed along with historic maps. In addition, this background research was supplemented by an internet search for relevant historical information. The research revealed that the listings of the National Register of Historic Places, California Historical Landmarks, California State Historic Resources Inventory, California Points of Historical Interest, and Los Angeles County Landmarks include no properties within the Refinery. One historic site, P-186856, (that could include buildings, structures, objects, districts, and landscapes, the details of which are kept confidential to protect the resource) is recorded at the outer edge of the 0.5-mile radius and outside of the Refinery boundary. Because the proposed project activities will occur entirely within the existing Refinery boundaries, site P-186856 would not be directly or indirectly impacted by the proposed project. Based on the results of these records searches, the proposed project will not cause an adverse change in the significance of a resource listed in the California Register of Historical Resources or in a local register of historical resources.

As a result, based on historical activities at the site, the proposed project was 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 2-2.

Response 2-4

An archaeological inventory survey was not required to be performed for the proposed project. See Responses 2-2 and 2-3 for reasons why a survey was not required.

Response 2-5

As noted in Response 2-2, additional archaeological investigations are not required for the Chevron Products El Segundo Refinery, so it is not necessary to contact the Native American Heritage Commission.

Response 2-6

As noted in Response 2-2, no previous excavation activities at the facility have discovered any cultural or archaeological resources. Further, as concluded on pages 2-16 through 2-18 of the Draft Negative Declaration for the Chevron Products El Segundo Refinery FCCU NOx Reduction Project, no impacts to cultural resources were determined to result from the proposed project. As a result, no further analysis of cultural resources in the Final Negative Declaration are 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

Chevron Products El Segundo Refinery 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 2-7

With regard to the potential for discovery of Native American remains, refer to Responses 2-2, 2-3 and 2-6.

Response 2-8

As stated on pages 2-16 through 2-18, the Draft Negative Declaration 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. The Refinery will keep a record of Native American contacts if human remains are discovered. See also Responses 2-2, 2-3 and 2-6.

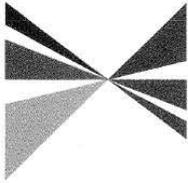
Response 2-9

As noted in Responses 2-2 and 2-3, discovery of human remains relative to the proposed project is not anticipated. However, the Chevron Products El Segundo Refinery FCCU NOx Reduction Project 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 2-10

CEQA Guidelines §15370(a) defines avoidance as: “Avoiding the impact altogether by not taking a certain action or parts of an action.” As stated on pages 2-16 through 2-18 of the Draft Negative Declaration, the presence or likely presence of Native American human remains was not identified as a potential significant impact. See also Responses 2-2 and 2-3. Therefore, it is not necessary to avoid potential impacts to cultural resources by not taking a certain action or parts of an action. However, in the event significant cultural resources in the form of Native American human remains are discovered, construction activities will cease and Chevron Products will comply with proper federal, state and local regulations as described in Response 2-6.

SOUTHERN CALIFORNIA



ASSOCIATION of GOVERNMENTS

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Orange County: Chris Norby, Orange County • Christine Barnes, La Palma • John Beauman, Brea • Lou Bone, Justin • Art Brown, Buena Park • Richard Chavez, Anaheim • Debbie Cook, Huntington Beach • Leslie Daigle, Newport Beach • Richard Dixon, Lake Forest • Paul Ghaab, Laguna Niguel

Riverside County: Jeff Stone, Riverside County • Thomas Buckley, Lake Elsinore • Bonnie Flickinger, Moreno Valley • Ron Loveridge, Riverside • Greg Pettis, Cathedral City • Ron Roberts, Temecula

San Bernardino County: Gary Dvitt, San Bernardino County • Lawrence Dale, Barstow • Paul Eaton, Montclair • Lee Ann Garcia, Grand Terrace • Tim Jasper, Town of Apple Valley • Larry McCallon, Highland • Deborah Robertson, Rialto • Alan Wapner, Ontario

Ventura County: Judy Mikels, Ventura County • Glen Becerra, Simi Valley • Carl Morehouse, San Buenaventura • Toni Young, Port Huememe

Orange County Transportation Authority: Lou Correa, County of Orange

Riverside County Transportation Commission: Robin Lowe, Hemet

Ventura County Transportation Commission: Keith Millhouse, Moorpark

11/14/06

February 23, 2007

Mr. Mike Krause
SCAQMD
21865 Copley Drive
Diamond Bar, CA 91765-4182

RE: **SCAG Clearinghouse No. I 20070060 Chevron Products El Segundo Refinery Fluid Catalytic Cracking Unit NOx Reduction**

Dear Mr. Krause:

Thank you for submitting the **Chevron Products El Segundo Refinery Fluid Catalytic Cracking Unit NOx Reduction** for review and comment. As areawide clearinghouse for regionally significant projects, SCAG reviews the consistency of local plans, projects and programs with regional plans. This activity is based on SCAG's responsibilities as a regional planning organization pursuant to state and federal laws and regulations. Guidance provided by these reviews is intended to assist local agencies and project sponsors to take actions that contribute to the attainment of regional goals and policies.

We have reviewed the **Chevron Products El Segundo Refinery Fluid Catalytic Cracking Unit NOx Reduction**, and have determined that the proposed Project is not regionally significant per SCAG Intergovernmental Review (IGR) Criteria and California Environmental Quality Act (CEQA) Guidelines (Section 15206). Therefore, the proposed Project does not warrant comments at this time. Should there be a change in the scope of the proposed Project, we would appreciate the opportunity to review and comment at that time.

A description of the proposed Project was published in SCAG's **February 1-15, 2007** Intergovernmental Review Clearinghouse Report for public review and comment.

The project title and SCAG Clearinghouse number should be used in all correspondence with SCAG concerning this Project. Correspondence should be sent to the attention of the Clearinghouse Coordinator. If you have any questions, please contact me at (213) 236-1856. Thank you.

Sincerely,

JILL EGERMAN
Associate Environmental Planner
Intergovernmental Review

DOC #132531

3-1

COMMENT LETTER NO. 3
SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS

Response 3-1

SCAQMD would like to thank SCAG for their review and comments. The SCAQMD understands that SCAG has not comments on the Chevron Products El Segundo Refinery Fluid Catalytic Cracking Unit NOx Reduction Project.