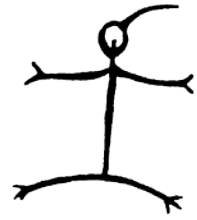




Antelope Valley Archaeological Society



October 18, 2009

Attention: Michele Bush
County of Los Angeles Department of Regional Planning
Impact Analysis Section, Room 1348
320 West Temple Street
Los Angeles, CA 90012

Dear Ms. Bush:

RESPONSE TO THE FAIRMONT BUTTE MOTORSPORTS PARK DRAFT ENVIRONMENTAL IMPACT REPORT (EIR)

Thank you for the opportunity to provide comments on the draft EIR for the proposed Fairmont Butte Motorsports Park project, located in the western Antelope Valley, Los Angeles County. We offer several comments that we hope you will take into account seriously in your consideration of the adequacy of the draft EIR.

Section 5.6 Cultural Resources

Comment #1: The Phase I Archaeological Survey conducted by W&S Consultants in 2004 should only be used for a preliminary assessment of the subject property, not for a determination of adequate mitigation measures to address the impacts of the proposed project on the property's sensitive archaeological resources.

In the Management Summary of the Phase I report, W&S recommend, "that these potential impacts be mitigated through *site avoidance and preservation* (italics added). Alternatively it is recommended that Phase II test excavations and determinations of significance be conducted from which final recommendations for the treatment or disposition of the sites can be made."

Comment #2: The Phase I Archaeological Survey and draft EIR lists two temporary archaeological site numbers, W/S-1 and W/S-2, which were identified during the 2004 surveys. The site records for these archaeological sites should have been submitted to the South Central Coastal Information Center (SCCIC) at California State University Fullerton in order to receive designated primary numbers/trinomials prior to the preparation of the draft

EIR. Failure to do so implies that the Phase I study is incomplete and not sufficient for a determination of mitigation measures.

Comment #3: The Phase I Archaeological Survey does not discuss or take into account the extensive archaeological work performed at Fairmont Buttes by Antelope Valley College over several years; therefore we feel that the archival records search performed for the project is insufficient. The Antelope Valley Archaeological Society can provide additional documentation of studies that have been conducted in the vicinity of the project area.

Comment #4: Mitigation Measure 5.6-1 first requires that a Phase II Environmental Site Assessment (ESA) be completed for the four archaeological sites located within the project area. This terminology, Phase II ESA, applies to hazardous waste assessments, not cultural resources evaluations.

To clarify, a Phase II cultural resource evaluation is conducted to determine if the archaeological site meets the criteria for the California Register of Historical Resources and to assess potential project effects on that site so that an adequate treatment plan for mitigation of project impacts may be prepared.

Further, there are no license requirements for the archaeological profession. Instead, the Phase II should be conducted by a professional archaeologist who meets the Secretary of Interior standards of qualification.

Comment #5: Mitigation Measure 5.6-1 is completely inadequate based on the level of cultural resources studies completed for the proposed project to date.

W&S recommended performing a Phase II evaluation *before* mitigation measures are proposed. The Phase II study should have been conducted *prior* to preparation of the draft EIR so that the proposed treatment plan could be available for public review. Delaying the Phase II study to the grading permit stage does not allow for project redesign in order to minimize the impacts to cultural resources.

Comment #6: Mitigation Measure 5.6-1 states that excavation of those portions of the archaeological sites to be impacted by the proposed project should be completed after the Phase II study.

At this point, it is premature to require a Phase III data recovery treatment as mitigation for project impacts without knowing the results of the Phase II study. Again, we feel that the Phase II study should have been completed before preparation of the draft EIR, and most certainly should be completed before the final EIR is approved.

Further, the proposal for excavation only mentions cataloging and storing excavated artifacts, but does not mention publication of a final report or community outreach. We feel that the latter two components are critical to any archaeological data recovery treatment plan, and the lack of their mention again underscores our concern that the proposed mitigation measures are not adequate for review and approval until after a Phase II study is completed.

Comment #7: Mitigation measures 5.6-3, 5.6-4 and 5.6-5 all refer to an archaeologist and/or a paleontologist evaluating the significance of unanticipated finds. These two professions cannot be used interchangeably, as they stem from two different scientific disciplines. Archaeologists should only be evaluating archaeological finds, and paleontologists should only be evaluating paleontological finds.

Comment #8: Section 5.6.4.5 of the draft EIR analyzes the threshold of significance for adverse impacts to human remains. This threshold is determined not to be significant based only on surface surveys of the project area.

However, since human remains are usually found in a buried context, a determination on the presence of human remains cannot be made until archaeological test excavations as part of a Phase II study are completed. Should such remains be encountered, their avoidance, in consultation with the appropriate Native American community members, should be made part of a treatment plan for mitigation in accordance with the state Health and Safety Code.

Comment #9: The draft EIR discusses three policies related to cultural resources included in the Antelope Valley Areawide General Plan, however it fails to seriously consider any of these in the proposed mitigation measures.

Policy 137 advocates protection of archaeological and historical resources. Mitigation Measure 5.6-1 only provides for excavation of impacted resources; no consideration of protection in place is mentioned.

Policy 138 requires archaeological surface reconnaissance and impact assessment for significant developments. Surface reconnaissance has been conducted for the proposed project, but impact assessment, through a Phase II study has not been completed to date.

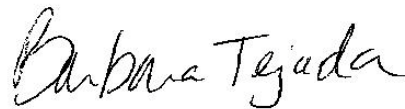
Policy 139 requires that the “adequacy of proposed mitigation measures shall be determined by the public agency responsible for project approval.” As stated previously, we feel that the adequacy of such measures for the proposed project cannot be determined for the approval of the final EIR without completion of the Phase II study.

Comment #10: We feel that the “mitigation” proposed in the draft EIR is not in keeping with the spirit of the California Environmental Quality Act (CEQA). California Public Resources Code Section 21083.2(b) states in part that “the lead agency may require reasonable efforts to be made to permit any or all of these resources to be preserved in place or left in an undisturbed state.” Further, the CEQA Guidelines state, “public agencies should, whenever feasible, seek to avoid damaging effects on any historical resource of an archaeological nature.”

We do not feel that avoidance of cultural resources has been properly considered in the draft EIR for the proposed Fairmont Butte Motorsports Park project. Archaeological data recovery is very expensive for project proponents and forever destroys irreplaceable parts of our shared human history. Too often in the Antelope Valley, development projects have begun and money was spent to retrieve artifacts from the ground. However, whether the development cannot be sustained or contracts have been maxed out, many projects have resulted in noncompliance for proper archaeological curation and reporting. We would hate to see a similar fate for the Fairmont Butte project. Preparation of a proper treatment plan for mitigation prior to project approval and emphasis on avoidance and preservation in place would alleviate our concerns.

Thank you again for the opportunity to provide comments on the draft EIR for the proposed Fairmont Butte Motorsports Park project. Feel free to contact me with any questions or comments at the address below or at 661-435-3372.

Sincerely,

A handwritten signature in black ink that reads "Barbara Tejada". The script is cursive and fluid, with the first name and last name clearly legible.

Barbara S. Tejada
President, Antelope Valley Archaeological
Society