



## APPENDIX L

### AB 52 CONSULTATION AND CORRESPONDENCE



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# Local Government Tribal Consultation List Request

## Native American Heritage Commission

1550 Harbor Blvd, Suite 100  
West Sacramento, CA 95691  
916-373-3710  
916-373-5471 – Fax  
[nahc@nahc.ca.gov](mailto:nahc@nahc.ca.gov)

### Type of List Requested

CEQA Tribal Consultation List (AB 52) – Per Public Resources Code § 21080.3.1, subs. (b), (d), (e) and 21080.3.2

General Plan (SB 18) - Per Government Code § 65352.3.

#### Local Action Type:

General Plan

General Plan Element

General Plan Amendment

Specific Plan

Specific Plan Amendment

Pre-planning Outreach Activity

### Required Information

Project Title: Amazon Distribution Center & 6400 Katella Warehouse Projects

Local Government/Lead Agency: City of Cypress

Contact Person: Jeff Zwack

Street Address: 5725 Orange Avenue

City: Cypress, CA Zip: 90630

Phone: (714) 229-6720 Fax: \_\_\_\_\_

Email: CityPlanner@cypressca.org

### Specific Area Subject to Proposed Action

County: Orange City/Community: Cypress

### Project Description:

Amazon: The proposed project involves the development of a "Last Mile" logistics facility for Amazon, Inc. on the project site. Most of the existing buildings on the project site would be demolished as part of the proposed project. The proposed project would expand the paved parking area on the project site, enhance the landscaping along Katella Avenue and Holder Street, and may also provide a community dog park along Katella Avenue.

6400 Katella: The proposed project involves the development of a two new warehouses for an unnamed operator the project site. The existing buildings would be demolished and replaced with two two-story warehouses. The proposed project would provide parking for autos around the perimeter of the two buildings, parking for trucks between the two buildings, and 27 dock doors per building. In addition, landscaping would be provided along Katella Avenue and Holder Street. Each building also proposes two potential office spaces.

### Additional Request

Sacred Lands File Search - Required Information:

USGS Quadrangle Name(s): Los Alamitos

Township: 4 South Range: 11 West Section(s): 27

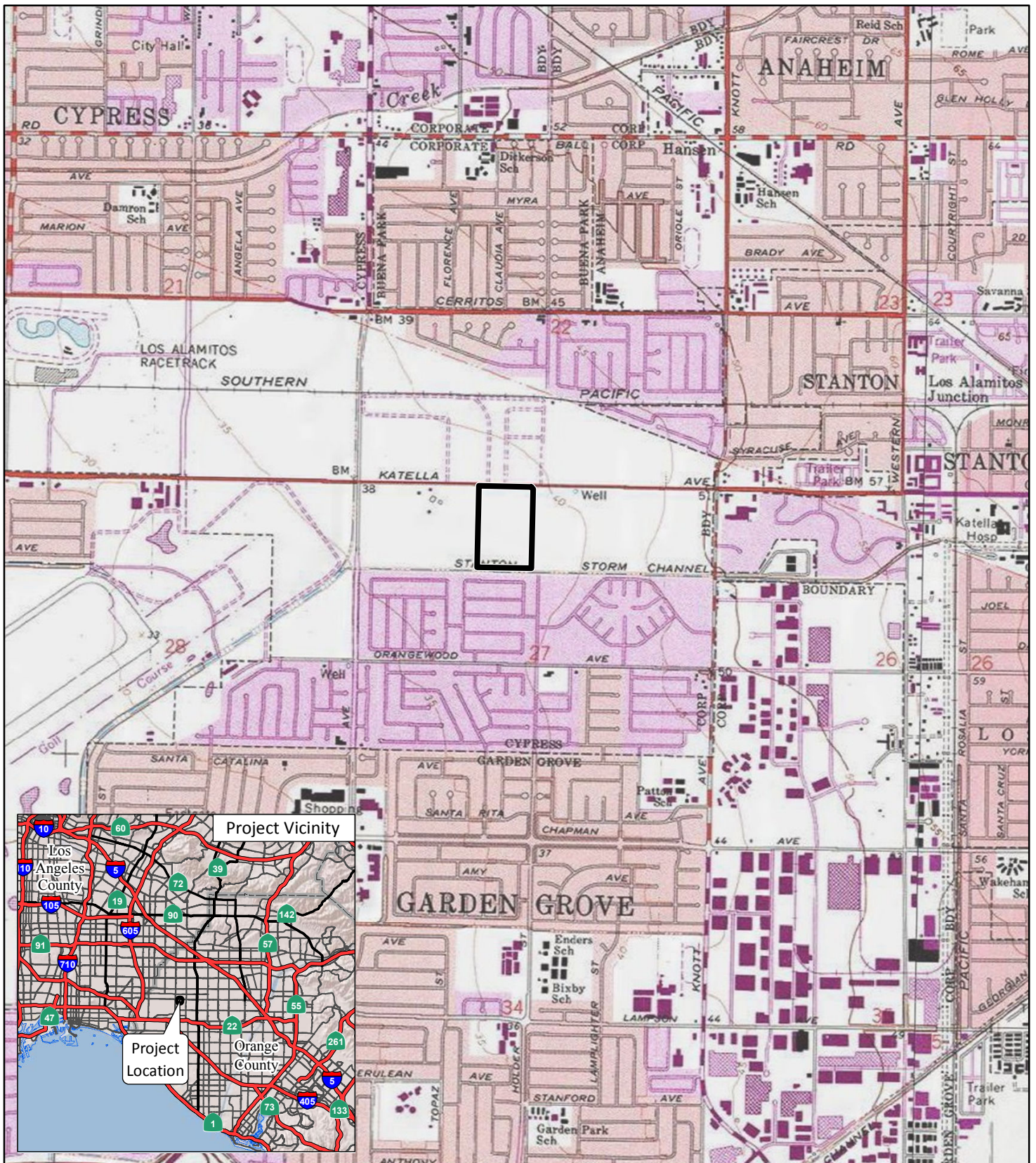


FIGURE 1

LSA

LEGEND

 Project Location



0 1000 2000  
FEET

SOURCE: USGS 7.5' Quad - Los Alamitos (1981)

I:\CCP1603.05A\GIS\MXD\Project\_Location\_USGS.mxd (5/7/2020)

Amazon Distribution Center &  
6400 Katella Warehouse Projects  
Project Location

## NATIVE AMERICAN HERITAGE COMMISSION

June 2, 2020

Jeff Zwack  
City of Cypress

Via Email to: [CityPlanner@cypressca.org](mailto:CityPlanner@cypressca.org)

**Re: Native American Tribal Consultation, Pursuant to the Assembly Bill 52 (AB 52), Amendments to the California Environmental Quality Act (CEQA) (Chapter 532, Statutes of 2014), Public Resources Code Sections 5097.94 (m), 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2 and 21084.3, Amazon Distribution Center & 6400 Katella Warehouse Projects, Orange County**

Dear Mr. Zwack:

Pursuant to Public Resources Code section 21080.3.1 (c), attached is a consultation list of tribes that are traditionally and culturally affiliated with the geographic area of the above-listed project. Please note that the intent of the AB 52 amendments to CEQA is to avoid and/or mitigate impacts to tribal cultural resources, (Pub. Resources Code §21084.3 (a)) ("Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource.")

Public Resources Code sections 21080.3.1 and 21084.3(c) require CEQA lead agencies to consult with California Native American tribes that have requested notice from such agencies of proposed projects in the geographic area that are traditionally and culturally affiliated with the tribes on projects for which a Notice of Preparation or Notice of Negative Declaration or Mitigated Negative Declaration has been filed on or after July 1, 2015. Specifically, Public Resources Code section 21080.3.1 (d) provides:

*Within 14 days of determining that an application for a project is complete or a decision by a public agency to undertake a project, the lead agency shall provide formal notification to the designated contact of, or a tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, which shall be accomplished by means of at least one written notification that includes a brief description of the proposed project and its location, the lead agency contact information, and a notification that the California Native American tribe has 30 days to request consultation pursuant to this section.*

The AB 52 amendments to CEQA law does not preclude initiating consultation with the tribes that are culturally and traditionally affiliated within your jurisdiction prior to receiving requests for notification of projects in the tribe's areas of traditional and cultural affiliation. The Native American Heritage Commission (NAHC) recommends, but does not require, early consultation as a best practice to ensure that lead agencies receive sufficient information about cultural resources in a project area to avoid damaging effects to tribal cultural resources.

The NAHC also recommends, but does not require that agencies should also include with their notification letters, information regarding any cultural resources assessment that has been completed on the area of potential effect (APE), such as:

1. The results of any record search that may have been conducted at an Information Center of the California Historical Resources Information System (CHRIS), including, but not limited to:



CHAIRPERSON  
**Laura Miranda**  
Luiseño

VICE CHAIRPERSON  
**Reginald Pagaling**  
Chumash

SECRETARY  
**Merri Lopez-Keifer**  
Luiseño

PARLIAMENTARIAN  
**Russell Attebery**  
Karuk

COMMISSIONER  
**Marshall McKay**  
Wintun

COMMISSIONER  
**William Mungary**  
Paiute/White Mountain  
Apache

COMMISSIONER  
**Julie Tumamait-Stenslie**  
Chumash

COMMISSIONER  
[Vacant]

COMMISSIONER  
[Vacant]

EXECUTIVE SECRETARY  
**Christina Snider**  
Pomo

**NAHC HEADQUARTERS**  
1550 Harbor Boulevard  
Suite 100  
West Sacramento,  
California 95691  
(916) 373-3710  
[nahc@nahc.ca.gov](mailto:nahc@nahc.ca.gov)  
[NAHC.ca.gov](http://NAHC.ca.gov)

- A listing of any and all known cultural resources that have already been recorded on or adjacent to the APE, such as known archaeological sites;
- Copies of any and all cultural resource records and study reports that may have been provided by the Information Center as part of the records search response;
- Whether the records search indicates a low, moderate, or high probability that unrecorded cultural resources are located in the APE; and
- If a survey is recommended by the Information Center to determine whether previously unrecorded cultural resources are present.

2. The results of any archaeological inventory survey that was conducted, including:

- Any report that may contain site forms, site significance, and suggested mitigation measures.

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 in accordance with Government Code section 6254.10.

3. The result of any Sacred Lands File (SLF) check conducted through the Native American Heritage Commission was negative.

4. Any ethnographic studies conducted for any area including all or part of the APE; and

5. Any geotechnical reports regarding all or part of the APE.

Lead agencies should be aware that records maintained by the NAHC and CHRIS are not exhaustive and a negative response to these searches does not preclude the existence of a tribal cultural resource. A tribe may be the only source of information regarding the existence of a tribal cultural resource.

This information will aid tribes in determining whether to request formal consultation. In the event that they do, having the information beforehand will help to facilitate the consultation process.

If you receive notification of change of addresses and phone numbers from tribes, please notify the NAHC. With your assistance, we can assure that our consultation list remains current.

If you have any questions, please contact me at my email address: [Andrew.Green@nahc.ca.gov](mailto:Andrew.Green@nahc.ca.gov).

Sincerely,



Andrew Green  
Cultural Resources Analyst

Attachment

**Native American Heritage Commission  
Tribal Consultation List  
Orange County  
6/2/2020**

**Campo Band of Diegueno  
Mission Indians**

Ralph Goff, Chairperson  
36190 Church Road, Suite 1 Diegueno  
Campo, CA, 91906  
Phone: (619) 478 - 9046  
Fax: (619) 478-5818  
rgoff@campo-nsn.gov

**Gabrielino Tongva Indians of  
California Tribal Council**

Robert Dorame, Chairperson  
P.O. Box 490 Gabrielino  
Bellflower, CA, 90707  
Phone: (562) 761 - 6417  
Fax: (562) 761-6417  
gtongva@gmail.com

**Ewiiapaayp Band of Kumeyaay  
Indians**

Michael Garcia, Vice Chairperson  
4054 Willows Road Diegueno  
Alpine, CA, 91901  
Phone: (619) 445 - 6315  
Fax: (619) 445-9126  
michaelg@leaningrock.net

**Gabrielino-Tongva Tribe**

Charles Alvarez,  
23454 Vanowen Street Gabrielino  
West Hills, CA, 91307  
Phone: (310) 403 - 6048  
roadkingcharles@aol.com

**Ewiiapaayp Band of Kumeyaay  
Indians**

Robert Pinto, Chairperson  
4054 Willows Road Diegueno  
Alpine, CA, 91901  
Phone: (619) 445 - 6315  
Fax: (619) 445-9126  
wmicklin@leaningrock.net

**Juaneno Band of Mission  
Indians Acjachemen Nation -  
Belardes**

Matias Belardes, Chairperson  
32161 Avenida Los Amigos Juaneno  
San Juan Capistrano, CA, 92675  
Phone: (949) 293 - 8522  
kaamalam@gmail.com

**Gabrieleno Band of Mission  
Indians - Kizh Nation**

Andrew Salas, Chairperson  
P.O. Box 393 Gabrieleno  
Covina, CA, 91723  
Phone: (626) 926 - 4131  
admin@gabrielenoindians.org

**La Posta Band of Diegueno  
Mission Indians**

Gwendolyn Parada, Chairperson  
8 Crestwood Road Diegueno  
Boulevard, CA, 91905  
Phone: (619) 478 - 2113  
Fax: (619) 478-2125  
LP13boots@aol.com

**Gabrieleno/Tongva San Gabriel  
Band of Mission Indians**

Anthony Morales, Chairperson  
P.O. Box 693 Gabrieleno  
San Gabriel, CA, 91778  
Phone: (626) 483 - 3564  
Fax: (626) 286-1262  
GTTribalcouncil@aol.com

**La Posta Band of Diegueno  
Mission Indians**

Javaughn Miller, Tribal  
Administrator  
8 Crestwood Road Diegueno  
Boulevard, CA, 91905  
Phone: (619) 478 - 2113  
Fax: (619) 478-2125  
jmiller@LPtribe.net

**Gabrielino /Tongva Nation**

Sandone Goad, Chairperson  
106 1/2 Judge John Aiso St., Gabrielino  
#231  
Los Angeles, CA, 90012  
Phone: (951) 807 - 0479  
sgoad@gabrielino-tongva.com

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 consultation with Native American tribes under Public Resources Code Sections 21080.3.1 for the proposed Amazon Distribution Center & 6400 Katella Warehouse Projects, Orange County.

Native American Heritage Commission  
Tribal Consultation List  
Orange County  
6/2/2020

**Manzanita Band of Kumeyaay  
Nation**

Angela Elliott Santos, Chairperson  
P.O. Box 1302 Diegueno  
Boulevard, CA, 91905  
Phone: (619) 766 - 4930  
Fax: (619) 766-4957

**Mesa Grande Band of Diegueno  
Mission Indians**

Michael Linton, Chairperson  
P.O Box 270 Diegueno  
Santa Ysabel, CA, 92070  
Phone: (760) 782 - 3818  
Fax: (760) 782-9092  
mesagrandeband@msn.com

**Soboba Band of Luiseno  
Indians**

Scott Cozart, Chairperson  
P. O. Box 487 Cahuilla  
San Jacinto, CA, 92583 Luiseno  
Phone: (951) 654 - 2765  
Fax: (951) 654-4198  
jontiveros@soboba-nsn.gov

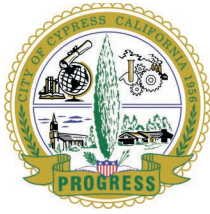
**Sycuan Band of the Kumeyaay  
Nation**

Cody Martinez, Chairperson  
1 Kwaaypaay Court Kumeyaay  
El Cajon, CA, 92019  
Phone: (619) 445 - 2613  
Fax: (619) 445-1927  
ssilva@sycuan-nsn.gov

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.

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# CITY of CYPRESS

5275 Orange Avenue, Cypress, California 90630

Phone 714-229-6700 [www.cypressca.org](http://www.cypressca.org)

June 12, 2020

Andrew Salas, Chairperson  
Gabrieleno Band of Mission Indians – Kizh Nation  
P.O. Box 393  
Covina, CA 91723

Dear Honorable Chairperson Salas:

Please consider this letter as formal notification of a proposed project as required under the California Environmental Quality Act, specifically Public Resources Code (PRC) Section 21080.3.1 and Chapter 532 Statutes of 2014 (i.e., Assembly Bill 52). Pursuant to PRC Section 21080.3.1(d), you have 30 days from receipt of this letter to respond in writing if you would like to consult on this project. However, due to the circumstances surrounding COVID-19 and under Governor Newsom's Executive Order N-54-20, you have until July 22, 2020, to request consultation under AB 52 for the proposed project. If you do not wish to consult for the proposed project, a written response indicating your declination to consult would be appreciated. Please provide a designated lead contact person if you have not provided that information to us already.

Duke Realty is proposing the 6400 Katella Warehouse Project (proposed project). The project site is located at the southwest corner of Katella Avenue and Holder Street at 6400-6450 Katella Avenue in the City of Cypress. The proposed project includes the development of a two new warehouse buildings for an unnamed operator on the project site, which is currently occupied by several buildings recently vacated by Mitsubishi Motors of America. The existing buildings would be demolished and replaced with two two-story warehouses: a north building (263,274 square feet [sf]) and a south building (222,814 sf). The proposed project would provide parking for automobiles around the perimeter of the two buildings, parking for trucks between the two buildings, and 27 dock doors per building. In addition, landscaping would be provided along Katella Avenue and Holder Street. Each building also proposes two potential office spaces (7,500 sf for the north building and 5,750 sf for the south building).

A search of the Sacred Lands Files conducted by the Native American Heritage Commission was negative for the presence of tribal cultural resources within the project site. A record search for the project site was conducted at the South Central Coastal Information Center of the California Historical Resources Information System at the California State University, Fullerton. The record search results were negative for previously recorded cultural resources within the project site.

If you have any questions or concerns about the project, please contact me via email at [cityplanner@cypressca.org](mailto:cityplanner@cypressca.org) or by phone at (714) 229-6720.

Sincerely,

Jeff Zwack, City Planner  
City of Cypress

Attachment: Figure 1 – Project Location  
Figure 2 – Existing Conditions

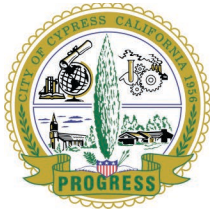
**Rob Johnson**, Mayor

**Mariellen Yarc**, Mayor Pro Tem

**Stacy Berry**, Council Member

**Paulo M. Morales**, Council Member

**Jon E. Peat**, Council Member



# CITY of CYPRESS

5275 Orange Avenue, Cypress, California 90630

Phone 714-229-6700 [www.cypressca.org](http://www.cypressca.org)

June 12, 2020

Angela Elliott Santos, Chairperson  
Manzanita Band of Kumeyaay Nation  
P.O. Box 1302  
Boulevard, CA 91905

Dear Honorable Chairperson Elliott Santos:

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Sincerely,

Jeff Zwack, City Planner  
City of Cypress

Attachment: Figure 2 – Existing Conditions  
Figure 1 – Project Location

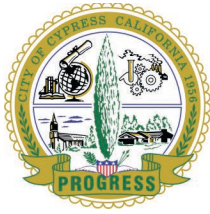
**Rob Johnson**, Mayor

**Mariellen Yarc**, Mayor Pro Tem

**Stacy Berry**, Council Member

**Paulo M. Morales**, Council Member

**Jon E. Peat**, Council Member



# CITY of CYPRESS

5275 Orange Avenue, Cypress, California 90630

Phone 714-229-6700 [www.cypressca.org](http://www.cypressca.org)

June 12, 2020

Anthony Morales, Chairperson  
Gabrieleno/Tongva  
San Gabriel Band of Mission Indians  
P.O. Box 693  
San Gabriel, CA, 91778

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Sincerely,

Jeff Zwack, City Planner  
City of Cypress

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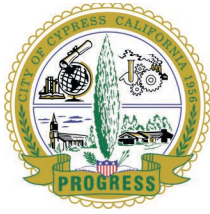
**Rob Johnson**, Mayor

**Mariellen Yarc**, Mayor Pro Tem

**Stacy Berry**, Council Member

**Paulo M. Morales**, Council Member

**Jon E. Peat**, Council Member



# CITY of CYPRESS

5275 Orange Avenue, Cypress, California 90630

Phone 714-229-6700 [www.cypressca.org](http://www.cypressca.org)

June 12, 2020

Charles Alvarez  
Gabrielino-Tongva Tribe  
23454 Vanowen Street  
West Hills, CA 91307

Dear Mr. Alvarez:

Please consider this letter as formal notification of a proposed project as required under the California Environmental Quality Act, specifically Public Resources Code (PRC) Section 21080.3.1 and Chapter 532 Statutes of 2014 (i.e., Assembly Bill 52). Pursuant to PRC Section 21080.3.1(d), you have 30 days from receipt of this letter to respond in writing if you would like to consult on this project. However, due to the circumstances surrounding COVID-19 and under Governor Newsom's Executive Order N-54-20, you have until July 22, 2020, to request consultation under AB 52 for the proposed project. If you do not wish to consult for the proposed project, a written response indicating your declination to consult would be appreciated. Please provide a designated lead contact person if you have not provided that information to us already.

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Sincerely,

Jeff Zwack, City Planner  
City of Cypress

Attachment: Figure 2 – Existing Conditions  
Figure 1 – Project Location

**Rob Johnson**, Mayor

**Mariellen Yarc**, Mayor Pro Tem

**Stacy Berry**, Council Member

**Paulo M. Morales**, Council Member

**Jon E. Peat**, Council Member



# CITY of CYPRESS

5275 Orange Avenue, Cypress, California 90630

Phone 714-229-6700 [www.cypressca.org](http://www.cypressca.org)

June 12, 2020

Cody Martinez, Chairperson  
Sycuan Band of the Kumeyaay Nation  
1 Kwaaypaay Court  
El Cajon, CA 92019

Dear Honorable Chairperson Martinez:

Please consider this letter as formal notification of a proposed project as required under the California Environmental Quality Act, specifically Public Resources Code (PRC) Section 21080.3.1 and Chapter 532 Statutes of 2014 (i.e., Assembly Bill 52). Pursuant to PRC Section 21080.3.1(d), you have 30 days from receipt of this letter to respond in writing if you would like to consult on this project. However, due to the circumstances surrounding COVID-19 and under Governor Newsom's Executive Order N-54-20, you have until July 22, 2020, to request consultation under AB 52 for the proposed project. If you do not wish to consult for the proposed project, a written response indicating your declination to consult would be appreciated. Please provide a designated lead contact person if you have not provided that information to us already.

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Sincerely,

Jeff Zwack, City Planner  
City of Cypress

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**Stacy Berry**, Council Member

**Paulo M. Morales**, Council Member

**Jon E. Peat**, Council Member



# CITY of CYPRESS

5275 Orange Avenue, Cypress, California 90630

Phone 714-229-6700 [www.cypressca.org](http://www.cypressca.org)

June 12, 2020

Gwendolyn Parada, Chairperson  
La Posta Band of Diegueno Mission Indians  
8 Crestwood Road  
Boulevard, CA 91905

Dear Honorable Chairperson Parada:

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Sincerely,

Jeff Zwack, City Planner  
City of Cypress

Attachment: Figure 2 – Existing Conditions  
Figure 1 – Project Location

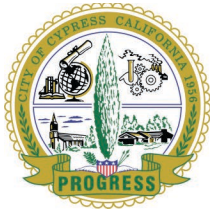
**Rob Johnson**, Mayor

**Mariellen Yarc**, Mayor Pro Tem

**Stacy Berry**, Council Member

**Paulo M. Morales**, Council Member

**Jon E. Peat**, Council Member



# CITY of CYPRESS

5275 Orange Avenue, Cypress, California 90630

Phone 714-229-6700 [www.cypressca.org](http://www.cypressca.org)

June 12, 2020

Javaughn Miller, Tribal Administrator  
La Posta Band of Diegueno Mission Indians  
8 Crestwood Road  
Boulevard, CA 91905

Dear Honorable Chairperson Miller:

Please consider this letter as formal notification of a proposed project as required under the California Environmental Quality Act, specifically Public Resources Code (PRC) Section 21080.3.1 and Chapter 532 Statutes of 2014 (i.e., Assembly Bill 52). Pursuant to PRC Section 21080.3.1(d), you have 30 days from receipt of this letter to respond in writing if you would like to consult on this project. However, due to the circumstances surrounding COVID-19 and under Governor Newsom's Executive Order N-54-20, you have until July 22, 2020, to request consultation under AB 52 for the proposed project. If you do not wish to consult for the proposed project, a written response indicating your declination to consult would be appreciated. Please provide a designated lead contact person if you have not provided that information to us already.

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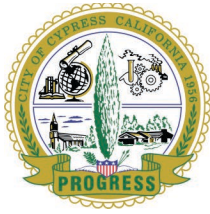
**Rob Johnson**, Mayor

**Mariellen Yarc**, Mayor Pro Tem

**Stacy Berry**, Council Member

**Paulo M. Morales**, Council Member

**Jon E. Peat**, Council Member



# CITY of CYPRESS

5275 Orange Avenue, Cypress, California 90630

Phone 714-229-6700 [www.cypressca.org](http://www.cypressca.org)

June 12, 2020

Joseph Ontiveros  
Cultural Resource Director  
Soboba Band of Luiseno Indians  
P.O. BOX 487  
San Jacinto, CA 92581

Dear Honorable Chairperson Ontiveros:

Please consider this letter as formal notification of a proposed project as required under the California Environmental Quality Act, specifically Public Resources Code (PRC) Section 21080.3.1 and Chapter 532 Statutes of 2014 (i.e., Assembly Bill 52). Pursuant to PRC Section 21080.3.1(d), you have 30 days from receipt of this letter to respond in writing if you would like to consult on this project. However, due to the circumstances surrounding COVID-19 and under Governor Newsom's Executive Order N-54-20, you have until July 22, 2020, to request consultation under AB 52 for the proposed project. If you do not wish to consult for the proposed project, a written response indicating your declination to consult would be appreciated. Please provide a designated lead contact person if you have not provided that information to us already.

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City of Cypress

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**Rob Johnson**, Mayor

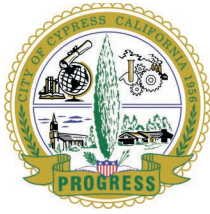
**Mariellen Yarc**, Mayor Pro Tem

**Stacy Berry**, Council Member

**Paulo M. Morales**, Council Member

**Jon E. Peat**, Council Member





# CITY of CYPRESS

5275 Orange Avenue, Cypress, California 90630

Phone 714-229-6700 [www.cypressca.org](http://www.cypressca.org)

June 12, 2020

Matias Belardes, Chairperson  
Juaneno Band of Mission Indians  
Acjachemen Nation - Belardes  
32161 Avenida Los Amigos  
San Juan Capistrano, CA 92675

Dear Honorable Chairperson Belardes:

Please consider this letter as formal notification of a proposed project as required under the California Environmental Quality Act, specifically Public Resources Code (PRC) Section 21080.3.1 and Chapter 532 Statutes of 2014 (i.e., Assembly Bill 52). Pursuant to PRC Section 21080.3.1(d), you have 30 days from receipt of this letter to respond in writing if you would like to consult on this project. However, due to the circumstances surrounding COVID-19 and under Governor Newsom's Executive Order N-54-20, you have until July 22, 2020, to request consultation under AB 52 for the proposed project. If you do not wish to consult for the proposed project, a written response indicating your declination to consult would be appreciated. Please provide a designated lead contact person if you have not provided that information to us already.

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City of Cypress

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**Rob Johnson**, Mayor

**Mariellen Yarc**, Mayor Pro Tem

**Stacy Berry**, Council Member

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**Jon E. Peat**, Council Member



# CITY of CYPRESS

5275 Orange Avenue, Cypress, California 90630

Phone 714-229-6700 [www.cypressca.org](http://www.cypressca.org)

June 12, 2020

Michael Garcia, Vice Chairperson  
Ewiiapaayp Band of Kumeyaay Indians  
4054 Willows Road  
Alpine, CA 91901

Dear Honorable Chairperson Garcia:

Please consider this letter as formal notification of a proposed project as required under the California Environmental Quality Act, specifically Public Resources Code (PRC) Section 21080.3.1 and Chapter 532 Statutes of 2014 (i.e., Assembly Bill 52). Pursuant to PRC Section 21080.3.1(d), you have 30 days from receipt of this letter to respond in writing if you would like to consult on this project. However, due to the circumstances surrounding COVID-19 and under Governor Newsom's Executive Order N-54-20, you have until July 22, 2020, to request consultation under AB 52 for the proposed project. If you do not wish to consult for the proposed project, a written response indicating your declination to consult would be appreciated. Please provide a designated lead contact person if you have not provided that information to us already.

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Sincerely,

Jeff Zwack, City Planner  
City of Cypress

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**Rob Johnson**, Mayor

**Mariellen Yarc**, Mayor Pro Tem

**Stacy Berry**, Council Member

**Paulo M. Morales**, Council Member

**Jon E. Peat**, Council Member



# CITY of CYPRESS

5275 Orange Avenue, Cypress, California 90630

Phone 714-229-6700 [www.cypressca.org](http://www.cypressca.org)

June 12, 2020

Michael Linton, Chairperson  
Mesa Grande Band of Diegueno Mission Indians  
P.O Box 270  
Santa Ysabel, CA 92070

Dear Honorable Chairperson Linton:

Please consider this letter as formal notification of a proposed project as required under the California Environmental Quality Act, specifically Public Resources Code (PRC) Section 21080.3.1 and Chapter 532 Statutes of 2014 (i.e., Assembly Bill 52). Pursuant to PRC Section 21080.3.1(d), you have 30 days from receipt of this letter to respond in writing if you would like to consult on this project. However, due to the circumstances surrounding COVID-19 and under Governor Newsom's Executive Order N-54-20, you have until July 22, 2020, to request consultation under AB 52 for the proposed project. If you do not wish to consult for the proposed project, a written response indicating your declination to consult would be appreciated. Please provide a designated lead contact person if you have not provided that information to us already.

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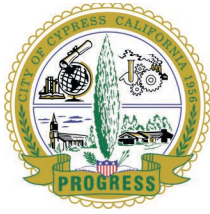
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# CITY of CYPRESS

5275 Orange Avenue, Cypress, California 90630

Phone 714-229-6700 [www.cypressca.org](http://www.cypressca.org)

June 12, 2020

Ralph Goff, Chairperson  
Campo Band of Diegueno Mission Indians  
36190 Church Road, Suite 1  
Campo, CA 91906

Dear Honorable Chairperson Goff:

Please consider this letter as formal notification of a proposed project as required under the California Environmental Quality Act, specifically Public Resources Code (PRC) Section 21080.3.1 and Chapter 532 Statutes of 2014 (i.e., Assembly Bill 52). Pursuant to PRC Section 21080.3.1(d), you have 30 days from receipt of this letter to respond in writing if you would like to consult on this project. However, due to the circumstances surrounding COVID-19 and under Governor Newsom's Executive Order N-54-20, you have until July 22, 2020, to request consultation under AB 52 for the proposed project. If you do not wish to consult for the proposed project, a written response indicating your declination to consult would be appreciated. Please provide a designated lead contact person if you have not provided that information to us already.

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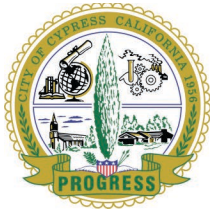
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**Paulo M. Morales**, Council Member

**Jon E. Peat**, Council Member



# CITY of CYPRESS

5275 Orange Avenue, Cypress, California 90630

Phone 714-229-6700 [www.cypressca.org](http://www.cypressca.org)

June 12, 2020

Robert Dorame, Chairperson  
Gabrielino Tongva Indians of California Tribal Council  
P.O. Box 490  
Bellflower, CA 90707

Dear Honorable Chairperson Dorame:

Please consider this letter as formal notification of a proposed project as required under the California Environmental Quality Act, specifically Public Resources Code (PRC) Section 21080.3.1 and Chapter 532 Statutes of 2014 (i.e., Assembly Bill 52). Pursuant to PRC Section 21080.3.1(d), you have 30 days from receipt of this letter to respond in writing if you would like to consult on this project. However, due to the circumstances surrounding COVID-19 and under Governor Newsom's Executive Order N-54-20, you have until July 22, 2020, to request consultation under AB 52 for the proposed project. If you do not wish to consult for the proposed project, a written response indicating your declination to consult would be appreciated. Please provide a designated lead contact person if you have not provided that information to us already.

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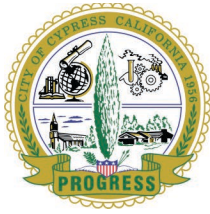
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**Jon E. Peat**, Council Member



# CITY of CYPRESS

5275 Orange Avenue, Cypress, California 90630

Phone 714-229-6700 [www.cypressca.org](http://www.cypressca.org)

June 12, 2020

Robert Pinto, Chairperson  
Ewiiapaayp Band of Kumeyaay Indians  
4054 Willows Road  
Alpine, CA 91901

Dear Honorable Chairperson Pinto:

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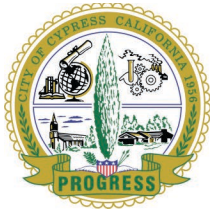
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# CITY of CYPRESS

5275 Orange Avenue, Cypress, California 90630

Phone 714-229-6700 [www.cypressca.org](http://www.cypressca.org)

June 12, 2020

Gabrielino/Tongva Nation  
Sam Dunlap, Cultural Resources Director  
P.O. Box 86908 Los Angeles, CA 90086

Dear Mr. Dunlap:

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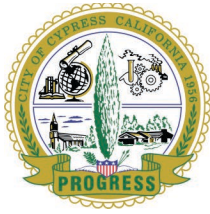
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# CITY of CYPRESS

5275 Orange Avenue, Cypress, California 90630

Phone 714-229-6700 [www.cypressca.org](http://www.cypressca.org)

June 12, 2020

Sandonne Goad, Chairperson  
Gabrielino /Tongva Nation  
106 1/2 Judge John Aiso St., #231  
Los Angeles, CA 90012

Dear Honorable Chairperson Goad:

Please consider this letter as formal notification of a proposed project as required under the California Environmental Quality Act, specifically Public Resources Code (PRC) Section 21080.3.1 and Chapter 532 Statutes of 2014 (i.e., Assembly Bill 52). Pursuant to PRC Section 21080.3.1(d), you have 30 days from receipt of this letter to respond in writing if you would like to consult on this project. However, due to the circumstances surrounding COVID-19 and under Governor Newsom's Executive Order N-54-20, you have until July 22, 2020, to request consultation under AB 52 for the proposed project. If you do not wish to consult for the proposed project, a written response indicating your declination to consult would be appreciated. Please provide a designated lead contact person if you have not provided that information to us already.

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A search of the Sacred Lands Files conducted by the Native American Heritage Commission was negative for the presence of tribal cultural resources within the project site. A record search for the project site was conducted at the South Central Coastal Information Center of the California Historical Resources Information System at the California State University, Fullerton. The record search results were negative for previously recorded cultural resources within the project site.

If you have any questions or concerns about the project, please contact me via email at [cityplanner@cypressca.org](mailto:cityplanner@cypressca.org) or by phone at (714) 229-6720.

Sincerely,

Jeff Zwack, City Planner  
City of Cypress

Attachment: Figure 2 – Existing Conditions  
Figure 1 – Project Location

**Rob Johnson**, Mayor

**Mariellen Yarc**, Mayor Pro Tem

**Stacy Berry**, Council Member

**Paulo M. Morales**, Council Member

**Jon E. Peat**, Council Member





# CITY of CYPRESS

5275 Orange Avenue, Cypress, California 90630

Phone 714-229-6700 [www.cypressca.org](http://www.cypressca.org)

June 12, 2020

Scott Cozart, Chairperson  
Soboba Band of Luiseno Indians  
P. O. Box 487  
San Jacinto, CA 92583

Dear Honorable Chairperson Cozart:

Please consider this letter as formal notification of a proposed project as required under the California Environmental Quality Act, specifically Public Resources Code (PRC) Section 21080.3.1 and Chapter 532 Statutes of 2014 (i.e., Assembly Bill 52). Pursuant to PRC Section 21080.3.1(d), you have 30 days from receipt of this letter to respond in writing if you would like to consult on this project. However, due to the circumstances surrounding COVID-19 and under Governor Newsom's Executive Order N-54-20, you have until July 22, 2020, to request consultation under AB 52 for the proposed project. If you do not wish to consult for the proposed project, a written response indicating your declination to consult would be appreciated. Please provide a designated lead contact person if you have not provided that information to us already.

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Sincerely,

Jeff Zwack, City Planner  
City of Cypress

Attachment: Figure 2 – Existing Conditions  
Figure 1 – Project Location

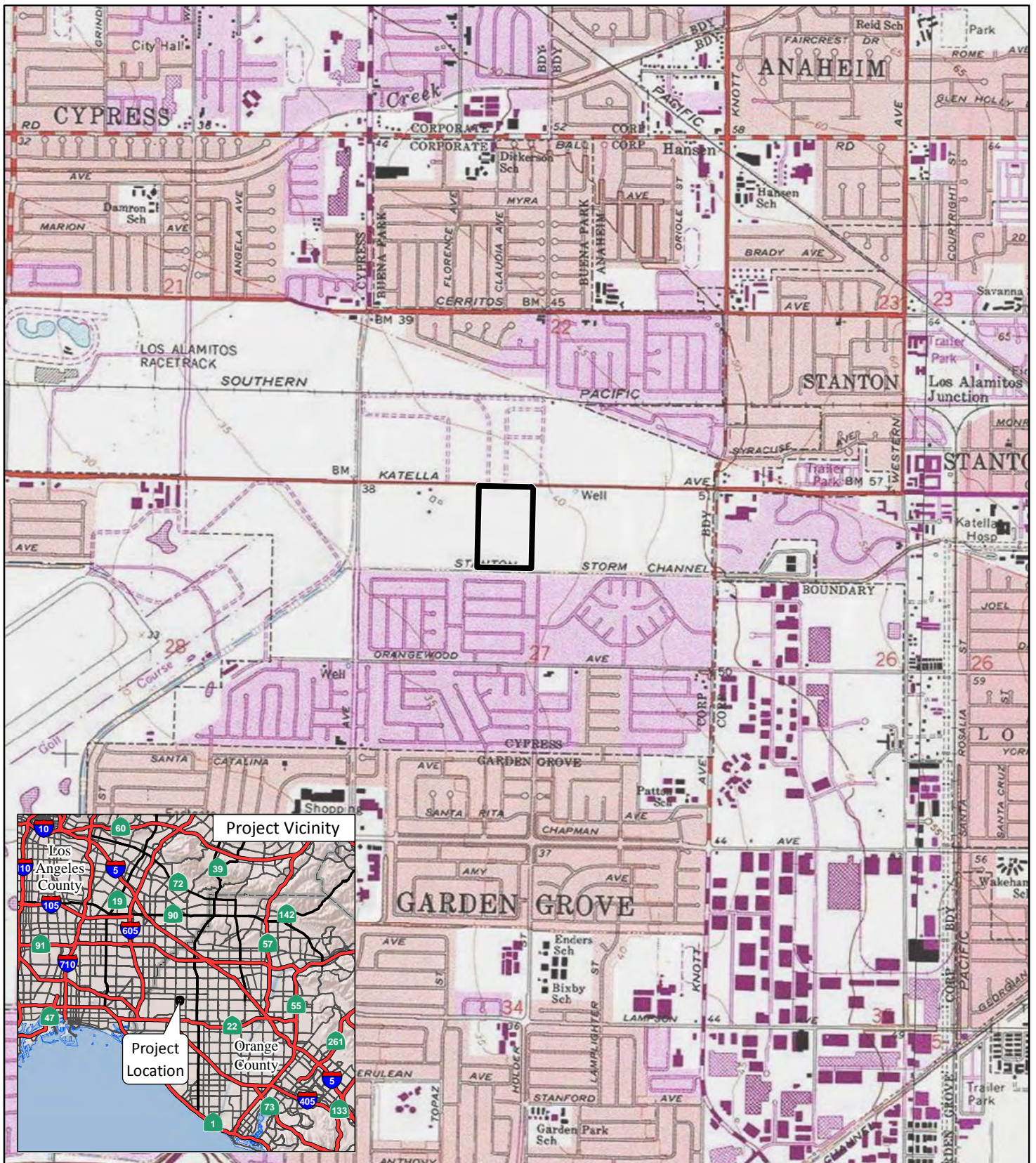
**Rob Johnson**, Mayor

**Mariellen Yarc**, Mayor Pro Tem

**Stacy Berry**, Council Member

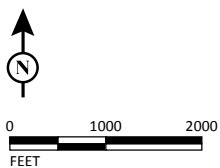
**Paulo M. Morales**, Council Member

**Jon E. Peat**, Council Member



LEGEND  
 Project Location

FIGURE 1



6400 Katella Warehouse Project  
 Project Location

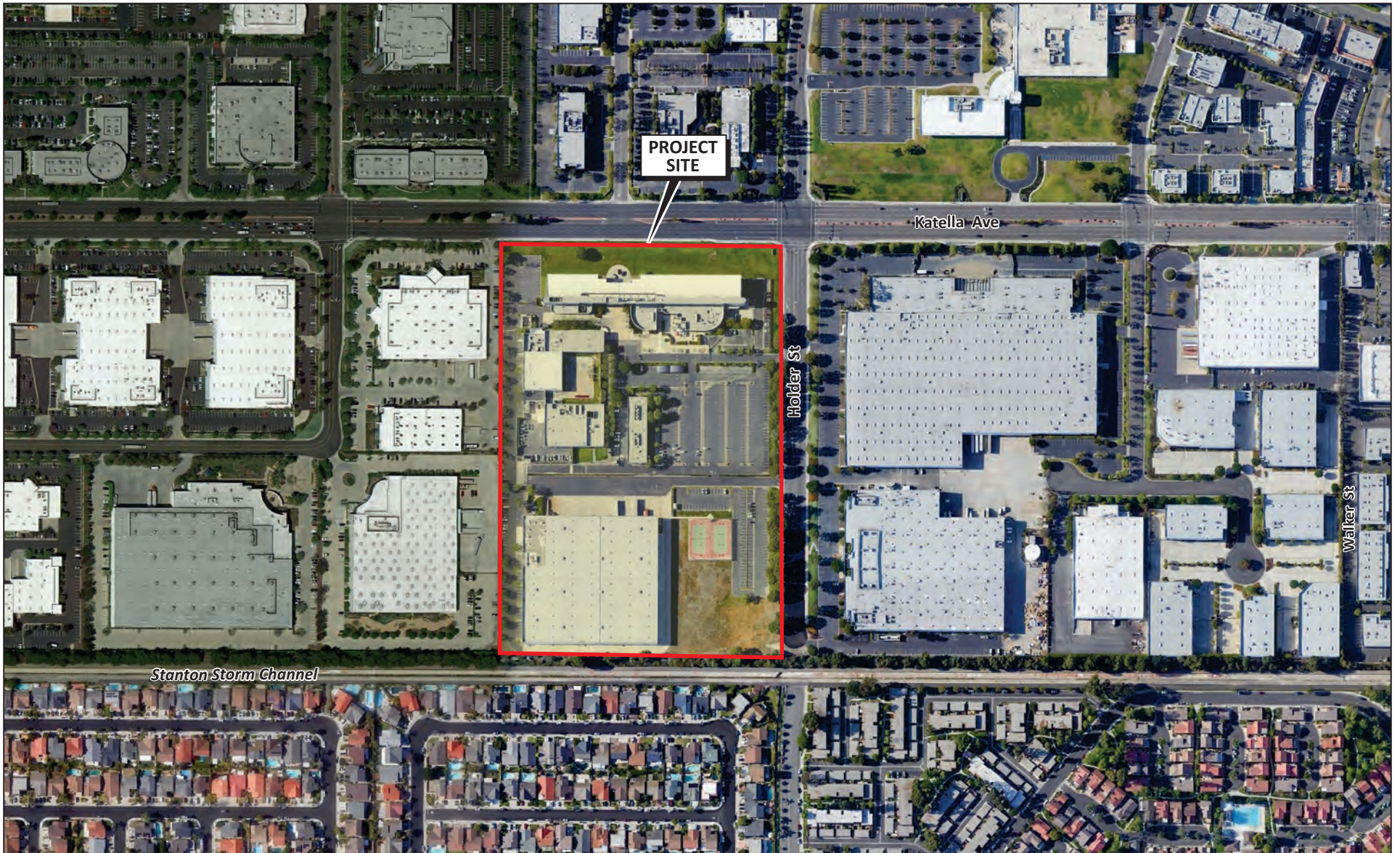
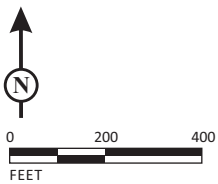


FIGURE 2



SOURCE: Google Earth

I:\CCP1603.05B\G\Existing Conditions.cdr (5/28/2020)

6400 Katella Warehouse Project  
Existing Conditions



GABRIELENO BAND OF MISSION INDIANS - KIZH NATION  
Historically known as The Gabrielino Tribal Council - San Gabriel Band of Mission Indians  
recognized by the State of California as the aboriginal tribe of the Los Angeles basin

June 15, 2020

Project Name: Amazon Distribution Center located at 6400-6450 Katella Avenue in the City of Cypress, California

Dear Jeff Zwack,

Thank you for your letter dated June 4, 2020 regarding AB52 consultation. The above proposed project location is within our Ancestral Tribal Territory; therefore, our Tribal Government requests to schedule a consultation with you as the lead agency, to discuss the project and the surrounding location in further detail.

Please contact us at your earliest convenience. ***Please Note: AB 52, "consultation" shall have the same meaning as provided in SB 18 (Govt. Code Section 65352.4).***

Thank you for your time,

Andrew Salas, Chairman  
Gabrieleno Band of Mission Indians – Kizh Nation  
1(844)390-0787

Andrew Salas, Chairman

Albert Perez, treasurer I

Nadine Salas, Vice-Chairman

Martha Gonzalez Lemos, treasurer II

Dr. Christina Swindall Martinez, secretary

Richard Gradias, Chairman of the council of Elders

PO Box 393 Covina, CA 91723

[admin@gabrielenoindians.org](mailto:admin@gabrielenoindians.org)

# APPENDIX 1: Map 1-2; Bean and Smith 1978 map.

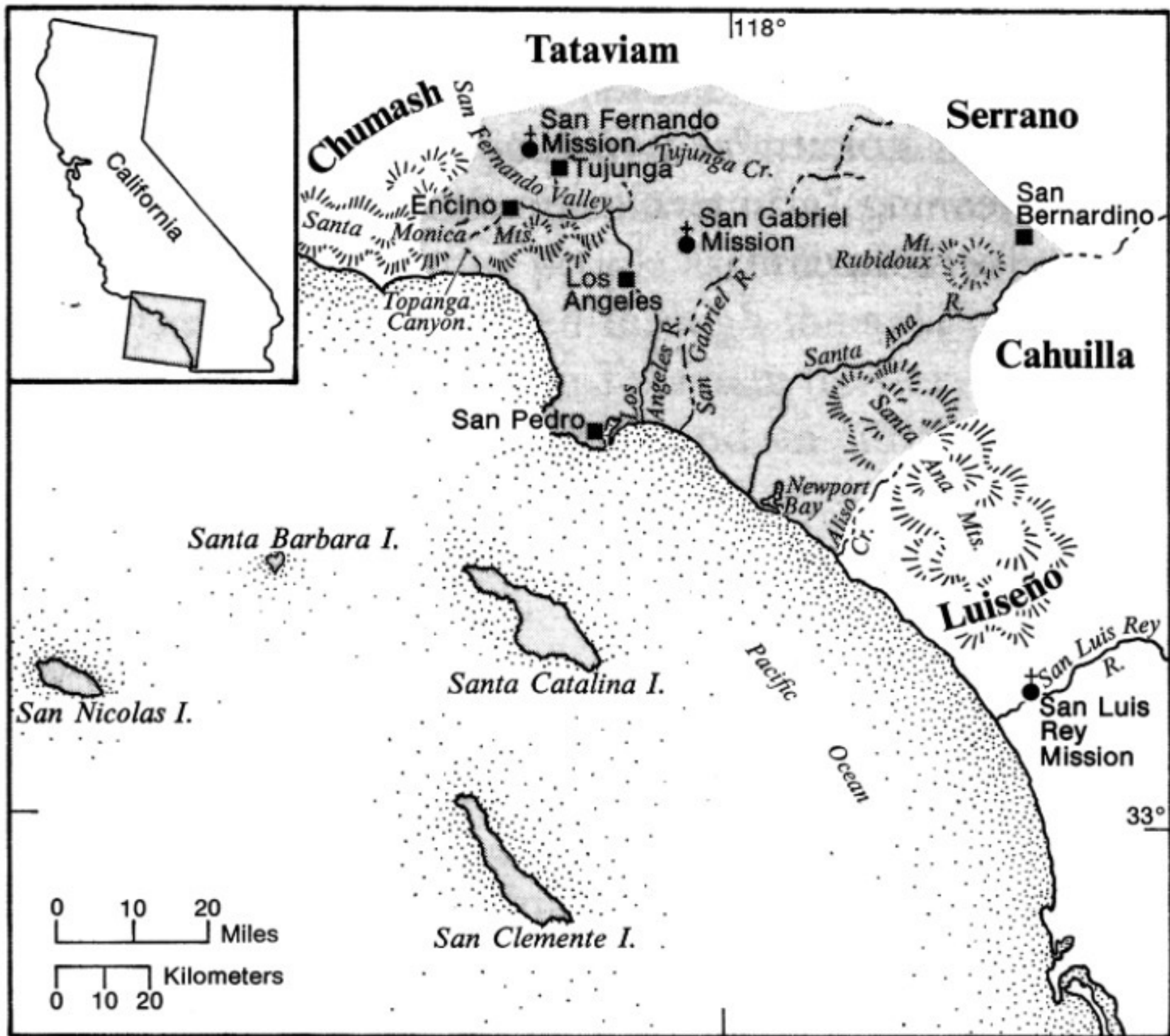


Fig. 1. Tribal territory.

The United States National Museum's Map of Gabrielino Territory:

Bean, Lowell John and Charles R. Smith

1978 Gabrielino IN *Handbook of North American Indians, California*, Vol. 8, edited by R.F. Heizer, Smithsonian Institution Press, Washington, D.C., pp. 538-549

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**From:** City Planner <CityPlanner@cypressca.org>  
**Sent:** Tuesday, August 25, 2020 10:50 AM  
**To:** admin@gabrielenoindians.org; Ryan Bensley; Adam Schmid; Deborah Pracilio; Kerrie Collison  
**Subject:** Former Mitsubishi Site AB 52 tribal consultation (share with Andrew Salas/Matt Teutimez ASAP for urgent follow-up)

Good morning gentlemen,

We need your timely assistance to conclude our consultation and keep our projects on schedule.

We appreciate your assistance with last Friday's tribal consultation call regarding proposed development at the former Mitsubishi Motors of America headquarters at 6400 Katella Avenue in Cypress. Please take a moment and review the following summary of our call and confirm that it matches up with your notes. As we discussed during the consultation meeting, the City is hoping to expedite the environmental review process and respectfully requests that the Tribe provide the City with its mitigation recommendations later today or by tomorrow, if possible. Note that the project geotechnical report does not specifically indicate the presence of engineered fill on the project site, nor does it clearly state that fill material was brought to the site from an off-site location. At the Tribe's suggestion, this e-mail has been flagged for immediate follow-up by Andrew Salas and Matt Teutimez.

An Assembly Bill 52 consultation call regarding proposed development at the former Mitsubishi Motors of America headquarters at 6400 Katella Avenue in Cypress was held on August 20, 2020. Call attendees included members from the Gabrieleno Band of Mission Indians – Kizh Nation, a planner from the City of Cypress, the Applicant's representative, and a planner and archaeologist from LSA, the City's environmental consultant. The City planner summarized the proposed development plans, and the archaeological environmental consultant presented a summary of the archaeological study and management recommendations. Andrew Salas, Chairperson of the Kizh Nation, and Matt Teutimez, Tribal biologist, presented a background of the Tribe's history in Cypress, Los Alamitos, Long Beach, and other areas in the proposed project vicinity and explained why the project site is sensitive for tribal cultural resources. Although the top few feet of sediments on the project site has been documented to consist of fill materials, Mr. Salas and Mr. Teutimez expressed concern that the fill may not be engineered and could contain sensitive tribal cultural resources. As a result, mitigation will be incorporated into the project environmental document.

We greatly appreciate your assistance with helping us complete our consultation and releasing the draft environmental documents for public review.

Sincerely,

*Jeff Zwack*, City Planner  
City of Cypress

**Subject:** Re: Amazon Distribution Center Project Located: Southwest corner of Katella Ave and Holder St. at 6400-6450 Katella Ave City of Cypress

Good afternoon City Planner,

Thank you for your email. The next time we have available for a phone consultation will be on August 20 at 1pm. This is the earliest time we have available. Please get back to us to see if this time will work for you.

Thank you

Sincerely,

Brandy Salas  
Admin Specialist  
Gabrieleno Band of Mission Indians - Kizh Nation  
PO Box 393  
Covina, CA 91723  
Office: 844-390-0787  
website: [www.gabrielenoindians.org](http://www.gabrielenoindians.org)



*The region where Gabrieleno culture thrived for more than eight centuries encompassed most of Los Angeles County, more than half of Orange County and portions of Riverside and San Bernardino counties. It was the labor of the Gabrieleno who built the missions, ranchos and the pueblos of Los Angeles. They were trained in the trades, and they did the construction and maintenance, as well as the farming and managing of herds of livestock. “The Gabrieleno are the ones who did all this work, and they really are the foundation of the early economy of the Los Angeles area “. “That’s a contribution that Los Angeles has not recognized--the fact that in its early decades, without the Gabrieleno, the community simply would not have survived.”*

On Tue, Jun 23, 2020 at 12:35 PM City Planner <[CityPlanner@cypressca.org](mailto:CityPlanner@cypressca.org)> wrote:

Good afternoon Ms. Salas,

I would like to request a consultation conference call at your earliest convenience to discuss the Amazon project located at 6400-6450 Katella Avenue, in the City of Cypress. A consultation in compliance with AB 52 is important in the project review phase and it is a pleasure to be able to work with the Gabrieleno Band of Mission Indians – Kizh Nation. Please let me know a few days and times that will work for your representatives.

Thank you.

Jeff Zwack, City Planner  
City of Cypress

---

**From:** [Gabrieleno Administration](#)  
**Sent:** Tuesday, June 23, 2020 11:22 AM  
**To:** [City Planner](#)

**Subject:** Amazon Distribution Center Project Located: Southwest corner of Katella Ave and Holder St. at 6400-6450  
Katella Ave City of Cypress

Hello Jeff Zwack,

Thank you for your letter dated June 12,2020. Please see attachment below.

Thank you

Sincerely,

Brandy Salas

Admin Specialist  
Gabrieleno Band of Mission Indians - Kizh Nation  
PO Box 393  
Covina, CA 91723  
Office: 844-390-0787  
website: [www.gabrielenoindians.org](http://www.gabrielenoindians.org)



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**From:** [Gabrieleno Administration](#)

**Sent:** Tuesday, August 25, 2020 4:31 PM

**To:** [City Planner](#)

**Cc:** [Andy Salas](#); [Matthew Teutimez](#)

**Subject:** Re: Former Mitsubishi Site AB 52 tribal consultation (share with Andrew Salas/Matt Teutimez ASAP for urgent follow-up)

Mr. Zwack,

Thank you for your time during the AB52 consultation for the Amazon Distribution Project/ Two Industrial Warehouses Project at 6400-6450 Katella Ave in the City of Cypress.

The information provided herein is to be kept confidential as part of AB52 which requires that any information – not just documents – submitted by a California Native American tribe during the environmental review process to not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public consistent with Gov. Code Sections 6254, subd.(r) and 6254.10. (Pub. Resources Code § 21082.3, subd. (c)(1)). We ask that our tribal information be included and kept in a confidential appendix to be mentioned in the public document. This confidential appendix shall be available for use to those associated to the project but no entity outside of the project.

As stated in the Public Resource Code section 21080.3.1. (a) The Legislature finds and declares that California Native American tribes traditionally and culturally affiliated with a geographic area may have expertise concerning their tribal cultural resources and an area that has cultural value. We are a California Native American tribe with an ancestral connection (higher degree of connection than traditionally and culturally affiliated) to the project area as we are lineal descendants to the village(s) within and around the project area.

Since subsurface activities are planned to occur for this project that have potential to impact TCRs, we are providing tribal archive information to your agency to identify the high cultural sensitivity of the project location and to explain our concerns with specific subsurface ground disturbance activities that have impacted and destroyed our tribal cultural resources in the past. Attached are documents from historic books, screenshots of historic maps and some explanatory text that was also verbally explained in the phone consultation for your project location to explain the cultural significance of the area and the high amount of pre-historic human activity that occurred there.

The 6400-6450 Katella Ave\_1938 map indicates the project location within the Village of Puvungna. All of our mainland villages (sans our island villages) overlapped each other to help facilitate the movement of tribal cultural resources throughout the landscape and also to our sister tribes outside of our traditional ancestral territory. Village use areas were usually shared between village areas and were commonly used by two or more adjoining villages depending on the type, quantity, quality, and availability of natural resources in the area. Therefore, human activity can be pronounced within the shared use areas due to the combined use by multiple villages and TCR's may be present in the soil layers from the thousands of years of human activity within that landscape.

The 6400-6450 Katella Ave\_1898 map indicates the project location area within Rancho Los Alamitos. All Ranchos were placed within ancient village locations because of the available human workforce located in that area and the abundant natural resources for human use and their livestock. The Rancho owners were granted the land and the inhabitants of the land for their labor force to raise wheat and corn with many of them cultivating vineyards to make wine and brandy. They also raised cattle and sheep, made leather goods and tanned hides, made soap and candles, and colored clothing and many other items that were shipped back to Spain. The natural resources included waterways, waterbodies, springs, elevated ground, food resources and grasslands for their cattle. We explained verbally during the consultation about how ranchos help identify ancient village locations but also have included documents and photos that provide information regarding what area and how Rancho Los Alamitos was located on our ancient village of Puvungna.

The 6400-6450 Katella Ave\_1898 and 1901 map shows the project's close proximity to a railroad that existed in this location. All railroads were placed on top of our Tribe's traditional trade routes because when the first railroad planners came out west, the topography was too varied to place the rail lines just anywhere, so they chose the paths of least resistance that already existed which were our traditional trade routes that were flattened by human travel over thousands of years of use. Therefore, the railroad corridor represents the geographically defined location of the trade route in terms of the approximate location and size and scope of the cultural landscape.

The 6400-6450 Katella Ave\_1938 map shows the many trade routes around the project area. Trade routes were heavily used by our Tribe for movement of trade items, visiting of family, going to ceremony, accessing recreation areas, and accessing foraging areas. Within and around these routes contained seasonal or permanent ramadas or trade depots, seasonal and permanent habitation areas, and often still contain isolated burials and cremations from folks who died along the trail. These isolated burials are not associated with a village community burial site or ceremonial burial site, rather the location is simply where the person died and was buried where they died. Therefore, isolated burials are more concentrated and likely to occur in proximity to our trade routes, especially the major trade routes. Trade routes are considered a "cultural landscape", as stated in section 21074. (a) and are protected under AB52 as a tribal cultural resource.

The 6400-6450 Katella Ave\_1938 and 1901 maps indicate the hydrography or waterways that existed around the project area. All water sources were used by our Tribe for life sustenance. Along these watercourses and water bodies occurred seasonal or permanent hamlets, seasonal or permanent trade depots, ceremonial and religious prayer sites, and burials and cremation sites of our ancestors. These activities occurred around water, both inland and coastal, because these water areas create unique habitats and riparian corridors that provide an abundance of food and medicine resources along with aesthetically peaceful areas with running water, shade trees, and shelter. Larger water bodies were high attractants for human activity and the banks and shores of these water bodies have a higher than average potential for encountering Tribal Cultural Resources of artifacts and human remains during ground disturbing activities. Waterways are a "cultural landscape", as stated in section 21074. (a) and are protected under AB52 as a tribal cultural resource.

Due to the project site being located within and around a sacred village (Puvungna), adjacent to sacred water courses and major traditional trade routes, there is a high potential to impact Tribal Cultural Resources still present within the soil from the thousands of years of prehistoric activities that occurred within and around these Tribal Cultural landscapes. Therefore, to avoid impacting or destroying Tribal Cultural Resources that may be inadvertently unearthed during the project's ground disturbing activities and pursuant to our consultation, we have provided to the Lead Agency substantial evidence that the proposed project may have a significant impact on our TCRs. . . "tribal cultural resources" are defined as (1) "sites, features, places, cultural landscapes, sacred places and objects with cultural value to a California Native American tribe" that are included in the state or local register of historical resources or that are determined to be eligible for inclusion in the state register; and (2) resources determined by the lead agency, in its discretion, to be significant on the basis of criteria for listing in the state register of historical resources. Pub Res C §21074(a). A lead agency's determination whether a resource meets the criteria for listing in the state register must be supported by substantial evidence and must consider the significance of the resource to the tribe. Pub Res C §21074(a)(2). A "cultural landscape" may qualify as a tribal cultural resource to the extent it is "geographically defined in terms of the size and scope of the landscape." Pub Res C §21074(b) Moreover, Public Resources Code ("PRC") Section 21084.2 states that "[a] project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment." A project that may have a significant effect on the environment requires appropriate mitigation. (PRC § 21082.3(b).) Through the consultation process, AB 52 authorized California Native American tribes to assist lead agencies in identifying, interpreting, and determining the significance of TCRs. (See AB 52, Legislative Digest.) Unless the environmental document includes protective measures agreed on during the consultation process, "if substantial evidence demonstrates" the project "will cause" a significant effect to a TCR, the agency must "consider" feasible mitigation measures "pursuant to" Pub Res C §21084.3(b).

As well, Consultation is not deemed to be concluded for purposes of CEQA until the parties agree to measures to mitigate or avoid a significant effect on a tribal cultural resource, or when a party concludes, after a reasonable effort, that mutual agreement cannot be reached. (PRC §21080.3.2(b).) Any mitigation measures agreed on during the consultation process must be recommended by lead agency staff for inclusion in the environmental document and the mitigation monitoring and reporting program for the project pursuant to section 21082.3(a) of the PRC. Moreover, now that consultation has begun, as the lead agency, you may certify an EIR or adopt a mitigated negative declaration for the subject project (which may have a significant impact on a tribal cultural resource ) only after consultation has concluded. (PRC §21082.3(d).)

As part of the consultation, we have requested any and all information that the lead agency may possess or has access to attain regarding the history of the subsurface soils that will be impacted as part this project's ground disturbance activities. The key information we are requesting is information about whether the "original" soils of the project location have been "removed" and "replaced" by new soils (e.g. engineered, cleaned, imported) or have the original soils just been excavated, placed onsite and then "backfilled" into the same location. If documents exists about the original soils having been removed from the project's footprint and all new construction will be within soils that do not contain the original soils, our concerns for ground disturbance activities are reduced. In the absence of documentation or if it is known the original soils are still present within the project footprint, protective measures shall be created and implemented.

Please find attached the proposed mitigation measures for the subject project. Once you have reviewed them, please provide written notification to the Tribe stating whether and to what extent you will include and require the proposed mitigations for TCR for the subject project so that we may conclude our consultation, and if you do not agree with the mitigations as proposed, so that we may continue our consultation discussions in an effort to reach an agreement.

Admin Specialist  
Gabrieleno Band of Mission Indians - Kizh Nation  
PO Box 393  
Covina, CA 91723  
Office: 844-390-0787  
website: [www.gabrielenoindians.org](http://www.gabrielenoindians.org)



*The region where Gabrieleño culture thrived for more than eight centuries encompassed most of Los Angeles County, more than half of Orange County and portions of Riverside and San Bernardino counties. It was the labor of the Gabrieleño who built the missions, ranchos and the pueblos of Los Angeles. They were trained in the trades, and they did the construction and maintenance, as well as the farming and managing of herds of livestock. "The Gabrieleño are the ones who did all this work, and they really are the foundation of the early economy of the Los Angeles area ". "That's a contribution that Los Angeles has not recognized--the fact that in its early decades, without the Gabrieleño, the community simply would not have survived."*

On Tue, Aug 25, 2020 at 10:49 AM City Planner <[CityPlanner@cypressca.org](mailto:CityPlanner@cypressca.org)> wrote:

Good morning gentlemen,

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We greatly appreciate your assistance with helping us complete our consultation and releasing the draft environmental documents for public review.

Sincerely,

*Jeff Zwack*, City Planner  
City of Cypress

---

**From:** City Planner <CityPlanner@cypressca.org>

**Sent:** Monday, October 5, 2020 9:55 AM

**To:** 'Administration Gabrieleno' <admin@gabrielenoindians.org>

**Cc:** Ryan Bensley <Ryan.Bensley@Isa.net>; Mike Poland <mpoland@annealtagroup.com>

**Subject:** AB 52 Tribal Consultation Mitigation Measure Revisions (Share with Andrew Salas and Matt Teutimez ASAP for urgent follow-up)

Good morning Mr. Salas,

The City of Cypress is requesting an amendment to the tribal cultural resources mitigation measure language, provided by the Kizh Nation for the proposed Amazon and warehouse projects at 6400 Katella Avenue. We are suggesting two minor amendments to reduce duplication of requirements that are already included as either a mitigation measure or a regulatory compliance measure included in the EIR, as explained below:

- Suggest removing the discovery of human remains language because steps for that process are already addressed by Regulatory Compliance language included in the EIR, as presented in the Cultural Resources section and referenced in the Tribal Cultural Resources section:  
*If human remains are encountered, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County of Orange (County) Coroner has made a determination of origin and disposition pursuant to State Public Resources Code (PRC) Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are determined to be Native American, the County Coroner would notify the Native American Heritage Commission (NAHC), which would determine and notify a Most Likely Descendant (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD shall complete the inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site. The MLD recommendations may include scientific removal and nondestructive analysis of human remains and items associated with Native American burials, preservation of Native American human remains and associated items in place, relinquishment of Native American human remains and associated items to the descendants for treatment, or any other culturally appropriate treatment.*
- Suggest removing the language referencing non-Native American cultural resources because there is already language in the Cultural Resources mitigation measures to address non-Native American resources.

We understand that you are extremely busy and we wish to obtain the Tribe's input and approval of the recommended changes at your earliest convenience. We are on an extremely tight schedule with these projects and are hopeful that you will provide direction to the City by 10/9 or sooner.

Thank you in advance for your direction and input so that we can begin the 30 day public review period for the Initial Study/Mitigated Negative Declaration for the two warehouse project next week.

Your partnership is greatly appreciated. Thank you.

*Jeff Zwack*, City Planner  
City of Cypress

---

**From:** Gabrieleno Administration <[admin@gabrielenoindians.org](mailto:admin@gabrielenoindians.org)>  
**Date:** October 8, 2020 at 1:52:07 PM PDT  
**To:** City Planner <[CityPlanner@cypressca.org](mailto:CityPlanner@cypressca.org)>  
**Cc:** Matthew Teutimez <[Matthew.Teutimez@gabrielenoindians.org](mailto:Matthew.Teutimez@gabrielenoindians.org)>, Andy Salas <[andysalas07@yahoo.com](mailto:andysalas07@yahoo.com)>  
**Subject: Re: AB 52 Tribal Consultation Mitigation Measure Revisions (Share with Andrew Salas and Matt Teutimez ASAP for urgent follow-up)**

Hello Jeff Zwack

Thank you for your response. Our Tribal council and our legal council do not agree with the proposed mitigations you have provided for they do not protect our Tribal cultural resources. We ask the city to utilize the TCR mitigations we have provided to protect our Tribal cultural resources. Also note the mitigation measures should be specific to Tribal cultural resources (TCR) for the purposes of complying with CEQA therefore please rename Cultural resources to Tribal Cultural Resources. Thank you for your time. If you have any questions feel free to contact us.

Thank you

Sincerely,

Brandy Salas

Admin Specialist  
Gabrieleno Band of Mission Indians - Kizh Nation  
PO Box 393  
Covina, CA 91723  
Office: 844-390-0787  
website: [www.gabrielenoindians.org](http://www.gabrielenoindians.org)



*The region where Gabrieleno culture thrived for more than eight centuries encompassed most of Los Angeles County, more than half of Orange County and portions of Riverside and San Bernardino counties. It was the labor of the Gabrieleno who built the missions, ranchos and the pueblos of Los Angeles. They were trained in the trades, and they did the construction and maintenance, as well as the farming and managing of herds of livestock. "The Gabrieleno are the ones who did all this work, and they really are the foundation of the early economy of the Los Angeles area ". "That's a contribution that Los Angeles has not recognized--the fact that in its early decades, without the Gabrieleno, the community simply would not have survived."*

On Mon, Oct 5, 2020 at 9:54 AM City Planner <[CityPlanner@cypressca.org](mailto:CityPlanner@cypressca.org)> wrote:

Good morning Mr. Salas,

The City of Cypress is requesting an amendment to the tribal cultural resources mitigation measure language, provided by the Kizh Nation for the proposed Amazon and warehouse projects at 6400 Katella Avenue. We are suggesting two minor amendments to reduce duplication of requirements that are already included as either a mitigation measure or a regulatory compliance measure included in the EIR, as explained below:

- Suggest removing the discovery of human remains language because steps for that process are already addressed by Regulatory Compliance language included in the EIR, as presented in the Cultural Resources section and referenced in the Tribal Cultural Resources section:

*If human remains are encountered, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County of Orange (County) Coroner has made a determination of origin and disposition pursuant*



*to State Public Resources Code (PRC) Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are determined to be Native American, the County Coroner would notify the Native American Heritage Commission (NAHC), which would determine and notify a Most Likely Descendant (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD shall complete the inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site. The MLD recommendations may include scientific removal and nondestructive analysis of human remains and items associated with Native American burials, preservation of Native American human remains and associated items in place, relinquishment of Native American human remains and associated items to the descendants for treatment, or any other culturally appropriate treatment.*

- Suggest removing the language referencing non-Native American cultural resources because there is already language in the Cultural Resources mitigation measures to address non-Native American resources.

We understand that you are extremely busy and we wish to obtain the Tribe's input and approval of the recommended changes at your earliest convenience. We are on an extremely tight schedule with these projects and are hopeful that you will provide direction to the City by 10/9 or sooner.

Thank you in advance for your direction and input so that we can begin the 30 day public review period for the Initial Study/Mitigated Negative Declaration for the two warehouse project next week.

Your partnership is greatly appreciated. Thank you.

*Jeff Zwack*, City Planner

City of Cypress



# Gabrieleno Band of Mission Indians – Kizh Nation

Historically known as The Gabrielino Tribal Council - San Gabriel Band of Mission Indians  
recognized by the State of California as the aboriginal tribe of the Los Angeles basin

**October 8, 2020**

Dear Jeff Zwack,

The mitigation measures should be specific to TCR for purposes of complying with CEQA therefore please utilize the attached mitigation measures for your project. Thank you

***MM TCR-1** Prior to the commencement of any ground disturbing activity at the project site, the project applicant shall retain a Native American Monitor approved by the Gabrieleno Band of Mission Indians-Kizh Nation – the tribe that consulted on this project pursuant to Assembly Bill A52 (the “Tribe” or the “Consulting Tribe”). A copy of the executed contract shall be submitted to the City of Cypress, Planning and Building Department prior to the issuance of any permit necessary to commence a ground-disturbing activity. The Tribal monitor will only be present on-site during the construction phases that involve ground-disturbing activities. Ground disturbing activities are defined by the Tribe as activities that may include, but are not limited to, pavement removal, potholing or auguring, grubbing, tree removals, boring, grading, excavation, drilling, and trenching, within the project area. The Tribal Monitor will complete daily monitoring logs that will provide descriptions of the day's activities, including construction activities, locations, soil, and any cultural materials identified. The on-site monitoring shall end when all ground-disturbing activities on the Project Site are completed, or when the Tribal Representatives and Tribal Monitor have indicated that all upcoming ground-disturbing activities at the Project Site have little to no potential for impacting Tribal Cultural Resources. Upon discovery of any Tribal Cultural Resources, construction activities shall cease in the immediate vicinity of the find (not less than the surrounding 100 feet) until the find can be assessed. All Tribal Cultural Resources unearthed by project activities shall be evaluated by the qualified archaeologist and Tribal monitor approved by the Consulting Tribe. If the resources are Native American in origin, the Consulting Tribe will retain it/them in the form and/or manner the Tribe deems appropriate, for educational, cultural and/or historic purposes. If human remains and/or grave goods are discovered or recognized at the Project Site, all ground disturbance shall immediately cease, and the county coroner shall be notified per Public Resources Code Section 5097.98, and Health & Safety Code Section 7050.5. Human remains and grave/burial goods shall be treated alike per California Public Resources Code section 5097.98(d)(1) and (2). Work may continue on other parts of the Project Site while evaluation and, if necessary, mitigation takes place (CEQA Guidelines Section 15064.5(f)). If a non-Native American resource is determined by the qualified archaeologist to constitute a “historical resource” or “unique archaeological resource,” time allotment and funding sufficient to allow for implementation of avoidance measures, or appropriate mitigation, must be available. The treatment plan established for the resources shall be in accordance with CEQA Guidelines Section 15064.5(f) for historical resources and PRC Sections 21083.2(b) for unique archaeological resources. Preservation in place (i.e., avoidance) is the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. Any historic archaeological material that is not Native American in origin shall be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, it shall be offered to a local school or historical society in the area for educational purposes.*

With respect,

Andrew Salas, Chairman