



June 26, 2020

Sarah Fonseca, Cultural Resources Analyst
Native American Heritage Commission

Via Email to: Sarah.Fonseca@NAHC.ca.gov

Re: Response to NAHC comments on SCH#2020069026, MacKerricher State Park Water System Improvements Project, Mendocino County, California.

Dear Ms. Fonseca:

This letter is in response to comments California State Parks received from the Native American Heritage Commission (NAHC) on June 23, 2020 regarding the Draft Mitigated Negative Declaration (MND)/Negative Declaration (ND) for SCH#2020069026, MacKerricher State Park (SP) Water System Improvements Project.

The NAHC had the following concerns after review of the Draft MND/ND prepared by California State Parks:

- There was no evidence of any Assembly Bill (AB) 52 consultation pursuant to Public Resources Code (PRC) 21080.3.1(b)(d).
- There was no evidence of a Sacred Lands File request for the project.

California State Parks for the MacKerricher Water System Improvements Project initiated Native American outreach in December 2016, beginning with a letter to the NAHC requesting a CEQA Tribal Consultation list (AB 52), a Sacred Lands Files search, and a Native American contact list for tribes culturally and traditionally affiliated with the area. Due to delays in the project California State Parks contacted the NAHC again in January 2020 requesting an identical search including an updated contact list. The contact list for 2016 and 2020 were identical with the one exception, the Guidiville Rancheria of California was not on the 2020 Mendocino County Native American contact list.

Results from the two NAHC searches did not identify any California Native American tribes traditionally and culturally affiliated with the project area that had requested notification by California State Parks for formal AB 52 consultation. Additionally, the Cultural Resource Division (CRD) of California State Park keeps a database of tribes that have requested notification for projects in their traditionally and culturally affiliated lands and who wish to formally consult pursuant to PRC section 21080.3.1 (AB 52). This list failed to identify any tribes that had requested formal notification by California State Parks for AB 52 consultation for projects in the Mendocino Sector including the project area.

Beginning in 2016, California State Parks conducted outreach with the six tribes on the contact list(s) provided by the NAHC with traditional lands or cultural places located within the

boundaries of Mendocino County. During outreach efforts for the project from 2016 to 2020, none of the six tribes formally requested consultation pursuant to PRC section 21080.3.1. Only two tribes during this timeframe responded to California State Parks' efforts to consult for the project, the others were unresponsive. The Redwood Valley Little River Band of Pomo Indians responded with a letter to the department (January 3, 2017) stating that the project was not within their immediate cultural territory and had no concerns with the project. Sherwood Valley Band of the Pomo Indians (Sherwood Valley) responded requesting a field meeting to discuss this project and others planned on the district. The field meeting with a tribal representative from the Sherwood Valley was held in April of 2017. During the meeting with Sherwood Valley, no tribal cultural resources (TCR) were identified and the meeting adjourned with the tribe indicating little concern with the project.

The two Sacred Lands File searches completed by the NAHC for the project returned negative results and during consultation efforts, no TCR were identified by California Native American tribes traditionally and culturally affiliated with the project area. Additionally, an exhaustive records search, archaeological survey, and a geotechnical investigation in support of the project by California State Parks proved negative for the presence of archaeological sites, features, artifacts, or objects associated with Native American utilization and occupation of the region within the project area. Based on these results, California State Parks determined the MacKerricher Water System Improvements project would not adversely impact cultural resources including TCR if implemented. As standard, the MND/ND provides Project Treatment Measures that ensures that potential impacts to cultural resources are maintained at a less than significant level including the discovery of inadvertent finds and construction issues/topics (staging, access, monitoring, changes in the project scope, etc.).

If you have any further concerns about the project or would like more information discuss the project in more detail please feel free to contact me at Dionne.Gruver@parks.ca.gov.

Best regards,

Dionne Gruver

Dionne Gruver
Senior State Archaeologist
California Department of Parks and Recreation

Attachments:

- NAHC search 2016