

Initial Study/Mitigated Negative Declaration

Alta Cuvee Mixed Use Project

APPENDIX J

TRIBAL CONSULTATION (AB 52) ATTACHMENTS

6 Tribe Notification for AB-52

LAST UPDATE: 01/11/2021

San Gabriel Band of Mission Indians

Anthony Morales, Chairperson
P.O. Box 693
San Gabriel, CA 91778
GTTribalcouncil@aol.com

San Manuel Band of Mission Indians

Jessica Mauck, Director of Cultural Resources
26569 Community Center Drive
Highland, CA 92346
jmauck@sanmanuel-msn.gov

Soboba Band of Luiseno Indians

Scott Cozart, Chairperson
P.O. Box 487
San Jacinto, CA 92581
iontiveros@soboba-nsn.gov

Torres Martinez Desert Cahuilla Indians

Alesia Reed
P.O. Box 1160
Thermal, CA 92274
alreed@tmtanf.org

Gabrieleno Band of Mission Indians – Kizh Nation

Andrew Salas, Chairman
P.O. Box 393
Covina, CA 91723
admin@gabrielenoindians.org

Morongo Band of Mission Indians

Robert Martin, Chairperson
12700 Pumarra Rd
Banning, CA 92220
dtorres@morongo-nsn.gov



TRIBAL CONSULTATION REQUEST
Design Review DRC2020-00440

June 2, 2021

CERTIFIED MAIL RECEIPT #: 9214 8901 0661 5400 0163 2574 60

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

Dear Chairperson Martin:

SUBJECT: Tribal Consultation Request for Design Review DRC2020-00440

The City of Rancho Cucamonga is processing an application for a Design Review as described below. In accordance with AB52, the purpose of this notice is to determine whether your tribe desires consultation regarding the proposed project. Native Americans are important to the planning process.

PROJECT DESCRIPTION:

LOCATED AT 12939 FOOTHILL BOULEVARD – WOOD PARTNERS – A request to construct a mixed-use development comprising of 255 residential units and 5 live/work units within the Community Commercial (CC) District. Design Review DRC2020-00440. APNs: 0229-311-14 and -15

PROJECT APPLICANT CONTACT PERSON:

Wood Partners
Attn: Joe Gambill
11849 W. Olympic Blvd., Suite 204
Los Angeles, CA 90064
(949) 333-9026

The City is interested in receiving input from your community regarding any concerns related to the proposed project. Please inform us of any areas of cultural significance in the project area that we should take into account. This letter may be followed shortly by a telephone call to discuss any issues/comments that you may have. The City requests to receive your comments by July 6, 2021.

Should you have any questions or concerns, please feel free to contact me Monday through Thursday, 7:00 a.m. – 6:00 p.m. at (909) 774-4323 or by email at: vincent.acuna@cityofrc.us

TRIBAL CONSULTATION REQUEST
Design Review DRC2020-00440
Page 2

Sincerely,

PLANNING DEPARTMENT

Vincent Acuna
Associate Planner

Attachments: Vicinity Map/Aerial Photo of the Project Site
Project Site Plan



TRIBAL CONSULTATION REQUEST
Design Review DRC2020-00440

June 2, 2021

CERTIFIED MAIL RECEIPT #: 9214 8901 0661 5400 0163 2574 60

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

Dear Chairperson Salas:

SUBJECT: Tribal Consultation Request for Design Review DRC2020-00440

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Associate Planner

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TRIBAL CONSULTATION REQUEST
Design Review DRC2020-00440

June 2, 2021

CERTIFIED MAIL RECEIPT #: 9214 8901 0661 5400 0163 2575 83

San Gabriel Band of Mission Indians
Anthony Morales, Chief
P.O. Box 693
San Gabriel, CA 91778

Dear Honorable Chief Morales:

SUBJECT: Tribal Consultation Request for Design Review DRC2020-00440

The City of Rancho Cucamonga is processing an application for a Design Review as described below. In accordance with AB52, the purpose of this notice is to determine whether your tribe desires consultation regarding the proposed project. Native Americans are important to the planning process.

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Los Angeles, CA 90064
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Design Review DRC2020-00440

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Sincerely,

PLANNING DEPARTMENT

Vincent Acuna
Associate Planner

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TRIBAL CONSULTATION REQUEST
Design Review DRC2020-00440

June 2, 2021

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

Dear Chairperson Morales:

SUBJECT: Tribal Consultation Request for Design Review DRC2020-00440

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Los Angeles, CA 90064
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PLANNING DEPARTMENT

Vincent Acuna
Associate Planner

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TRIBAL CONSULTATION REQUEST
Design Review DRC2020-00440

June 2, 2021

CERTIFIED MAIL RECEIPT #: 9214 8901 0661 5400 0163 2575 38

Soboba Band of Luiseno Indians
Scott Cozart, Chairperson
P.O. Box 487
San Jacinto, CA 92581

Dear Chairperson Cozart:

SUBJECT: Tribal Consultation Request for Design Review DRC2020-00440

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11849 W. Olympic Blvd., Suite 204
Los Angeles, CA 90064
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PLANNING DEPARTMENT

Vincent Acuna
Associate Planner

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TRIBAL CONSULTATION REQUEST
Design Review DRC2020-00440

June 2, 2021

CERTIFIED MAIL RECEIPT #: 9214 8901 0661 5400 0163 2575 14

Torres Martinez Desert Cahuilla Indians
Alesia Reed
P.O. Box 1160
Thermal, CA 92274

Dear Alesia Reed:

SUBJECT: Tribal Consultation Request for Design Review DRC2020-00440

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Sincerely,

PLANNING DEPARTMENT

Vincent Acuna
Associate Planner

Attachments: Vicinity Map/Aerial Photo of the Project Site
Project Site Plan

Subject: FW: 12939 Foothill Boulevard, City of Rancho Cucamonga

From: Acuna, Vincent
Sent: Tuesday, June 15, 2021 1:44 PM
To: Gabrieleno Administration <admin@gabrielenoindians.org>
Subject: RE: 12939 Foothill Boulevard, City of Rancho Cucamonga

Savannah and Andrew-

Hope all is well, and thank you for your response. Please let me know when you would be available to do a consultation.

Alternatively, please let me know if incorporating the attached Mitigation Measures that were previously applied to previous projects in the City into the project IS/MND would suffice, in lieu of a consultation. In order to allow for a reasonable amount of processing time for projects, please provide a response no later than 07/15/2021. If we do not receive a response by 07/15/2021, the City will assume that the attached standard mitigations is sufficient and will proceed with incorporating them into the IS/MND for circulation.

Thank you, and be well!

VINCENT ACUNA | Associate Planner
City of Rancho Cucamonga | 10500 Civic Center Drive | Rancho Cucamonga, CA 91730
Direct: 909-774-4323
vincent.acuna@cityofrc.us | www.cityofrc.us

From: Gabrieleno Administration <admin@gabrielenoindians.org>
Sent: Tuesday, June 15, 2021 12:04 PM
To: Acuna, Vincent <Vincent.Acuna@cityofrc.us>
Subject: 12939 Foothill Boulevard, City of Rancho Cucamonga

CAUTION: This email is from outside our Corporate network. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Vincent Acuna,

Thank you for your letter dated June 2, 2021. Please see the attachment below.

Thank you

Sincerely,

Savannah Salas
Admin Specialist
Gabrieleno Band of Mission Indians - Kizh Nation
PO Box 393
Covina, CA 91723
Office: 844-390-0787
website: 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."



Gabrieleno Band of Mission Indians – Kizh Nation

Protection of Tribal Cultural Resources (TCRs)

Most Important Things for Agencies to Know About AB52:

- An EIR, MND, or ND can not be certified until AB-52 tribal consultation has concluded.
- Agreed mitigation measures with the tribe, **MUST** be recommended for inclusion in the environmental document.
- Signature confirming acceptance of these mitigation measures recommended by our Tribal Government is required within 14 days of receipt to conclude AB52 consultation.

Tribal Cultural Resources Mitigation Measures within Kizh Nation Tribal Territory:

Note: To avoid compliance issues with the following laws, all Native American Monitoring shall be conducted by a documented lineal descendant from the ancestral Tribe of the project area (NAGPRA Law 10.14)

- The Native American Graves Protection and Repatriation Act (NAGPRA), Public Law-101-601, 25 U.S.C. 3001 et seq., 104 Stat. 3048.
- CEQA Guidelines Section 15064.5, PRC 5097.98 (d)(1).
- The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

If you are receiving these measures, The Gabrieleno Band of Mission Indians Kizh -Nation are the direct lineal descendants of your project area. The Kizh Nation ONLY responds and consults on projects within their ANCESTRAL tribal territory. Therefore, to remain in compliance with above referenced laws and to enable our Tribe with the ability to protect and preserve our last remaining and irreplaceable Tribal Cultural Resources, it is recommended that the project applicant retain a qualified professional tribal monitor/consultant from the Gabrieleno Band of Mission Indians Kizh -Nation. The Kizh Nation possesses Tribal archives including documented historical information as well as multiple members who possess unique knowledge derived from oral tradition passed down through generations of the Tribe in order to provide the expertise needed to identify whether a project is located within a culturally sensitive area given its proximity to village areas, commerce areas, recreation areas, ceremonial areas, and burial locations.

Native American Heritage Commission (NAHC) Guidelines for Native American Monitors/Consultants

(approved 9/13/05): By acting as a liaison between Native American, archaeologist, developers, contactors and public agency, a Native American monitor/consultant can ensure that cultural features are treated appropriately from the Native American point of view. This can help others involved in a project to coordinate mitigation measures. These guidelines are intended to provide prospective monitors/consultants, and people who hire monitors/consultants, with an understanding of the scope and extent of knowledge that should be expected.

Mitigation Guidelines for Tribal Cultural Resources (TCRs): CEQA now defines TCRs as an independent element separate from archaeological resources. Environmental documents shall address a separate Tribal Cultural Resources section that includes a thorough analysis of the impacts to only TCRs and includes separate and independent mitigation measures created with tribal input under AB-52 consultations. Therefore, all agreements, mitigation, and conditions of approval regarding TCRs shall be handled solely with the Tribal Government and conversely all agreements, mitigation, and conditions of approval regarding Archaeological Resources shall be handled by an Archaeological resource company.



MITIGATION MEASURES

Retain a Native American Monitor/Consultant: The Project Applicant shall be required to retain and compensate for the services of a Tribal monitor/consultant who is both approved by the Gabrieleño Band of Mission Indians-Kizh Nation Tribal Government and is listed under the NAHC's Tribal Contact list for the area of the project location. This list is provided by the NAHC. The monitor/consultant will only be present on-site during the construction phases that involve ground disturbing activities. Ground disturbing activities are defined by the Gabrieleño Band of Mission Indians-Kizh Nation as activities that may include, but are not limited to, pavement removal, pot-holing or auguring, grubbing, tree removals, boring, grading, excavation, drilling, and trenching, within the project area. The Tribal Monitor/consultant 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 the project site grading and excavation activities are completed, or when the Tribal Representatives and monitor/consultant have indicated that the site has a low potential for impacting Tribal Cultural Resources.

Unanticipated Discovery of Tribal Cultural and Archaeological Resources: Upon discovery of any archaeological resources, cease construction activities in the immediate vicinity of the find until the find can be assessed. All archaeological resources unearthed by project construction activities shall be evaluated by the qualified archaeologist and tribal monitor/consultant approved by the Gabrieleño Band of Mission Indians-Kizh Nation. If the resources are Native American in origin, the Gabrieleño Band of Mission Indians-Kizh Nation shall coordinate with the landowner regarding treatment and curation of these resources. Typically, the Tribe will request reburial or preservation for educational purposes. Work may continue on other parts of the project while evaluation and, if necessary, mitigation takes place (CEQA Guidelines Section 15064.5 [f]). If a 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

Public Resources Code 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, they shall be offered to a local school or historical society in the area for educational purposes.

Unanticipated Discovery of Human Remains and Associated Funerary Objects:

Native American human remains are defined in PRC 5097.98 (d)(1) as an inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in PRC 5097.98, are also to be treated according to this statute. Health and Safety Code 7050.5 dictates that any discoveries of human skeletal material shall be immediately reported to the County Coroner and excavation halted until the coroner has determined the nature of the remains. If the coroner recognizes the human remains to be those of a Native American or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission (NAHC) and PRC 5097.98 shall be followed.



Resource Assessment & Continuation of Work Protocol:

Upon discovery, the tribal and/or archaeological monitor/consultant/consultant will immediately divert work at minimum of 150 feet and place an exclusion zone around the burial. The monitor/consultant(s) will then notify the Tribe, the qualified lead archaeologist, and the construction manager who will call the coroner. Work will continue to be diverted while the coroner determines whether the remains are Native American. The discovery is to be kept confidential and secure to prevent any further disturbance. If the finds are determined to be Native American, the coroner will notify the NAHC as mandated by state law who will then appoint a Most Likely Descendent (MLD).

Kizh-Gabrieleno Procedures for burials and funerary remains:

If the Gabrieleno Band of Mission Indians – Kizh Nation is designated MLD, the following treatment measures shall be implemented. To the Tribe, the term “human remains” encompasses more than human bones. In ancient as well as historic times, Tribal Traditions included, but were not limited to, the burial of funerary objects with the deceased, and the ceremonial burning of human remains. These remains are to be treated in the same manner as bone fragments that remain intact. Associated funerary objects are objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later; other items made exclusively for burial purposes or to contain human remains can also be considered as associated funerary objects.

Treatment Measures:

Prior to the continuation of ground disturbing activities, the land owner shall arrange a designated site location within the footprint of the project for the respectful reburial of the human remains and/or ceremonial objects. In the case where discovered human remains cannot be fully documented and recovered on the same day, the remains will be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24-hour guard should be posted outside of working hours. The Tribe will make every effort to recommend diverting the project and keeping the remains in situ and protected. If the project cannot be diverted, it may be determined that burials will be removed. The Tribe will work closely with the qualified archaeologist to ensure that the excavation is treated carefully, ethically and respectfully. If data recovery is approved by the Tribe, documentation shall be taken which includes at a minimum detailed descriptive notes and sketches. Additional types of documentation shall be approved by the Tribe for data recovery purposes. Cremations will either be removed in bulk or by means as necessary to ensure completely recovery of all material. If the discovery of human remains includes four or more burials, the location is considered a cemetery and a separate treatment plan shall be created. Once complete, a final report of all activities is to be submitted to the Tribe and the NAHC. The Tribe does NOT authorize any scientific study or the utilization of any invasive diagnostics on human remains.

Each occurrence of human remains and associated funerary objects will be stored using opaque cloth bags. All human remains, funerary objects, sacred objects and objects of cultural patrimony will be removed to a secure container on site if possible. These items should be retained and reburied within six months of recovery. The site of reburial/repatriation shall be on the project site but at a location agreed upon between the Tribe and the landowner at a site to be protected in perpetuity. There shall be no publicity regarding any cultural materials recovered.



Professional Standards: Archaeological and Native American monitoring and excavation during construction projects will be consistent with current professional standards. All feasible care to avoid any unnecessary disturbance, physical modification, or separation of human remains and associated funerary objects shall be taken. Principal personnel must meet the Secretary of Interior standards for archaeology and have a minimum of 10 years of experience as a principal investigator working with Native American archaeological sites in southern California. The Qualified Archaeologist shall ensure that all other personnel are appropriately trained and qualified.

Acceptance of Tribal Government Recommended Mitigation Measures:

By _____
Lead Agency Representative Signature

Date: _____

Revised: August 2018



Attachment A

Kizh Nation Ancestral Tribal Territory extended along the coast from Malibu Creek in Los Angeles County down to Aliso Creek in Orange County and encompassed the Channel Islands of Catalina (Pimugna), San Nicolas (Haraasnga), and San Clemente (Kiinkenga). Our inland border was the San Gabriel Mountains (Hidakupa) and eastwardly our territory extended to parts of San Bernardino (Waatsngna), Orange, and Riverside counties.



From: Ryan Nordness <Ryan.Nordness@sanmanuel-nsn.gov>
Sent: Tuesday, June 15, 2021 11:26 AM
To: Acuna, Vincent
Subject: RE: AB52 notice for Mixed Use Development at 12939 Foothill Boulevard Wood Partners

CAUTION: This email is from outside our Corporate network. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Vincent,

Thank you for contacting the San Manuel Band of Mission Indians (SMBMI) regarding the above referenced project. SMBMI appreciates the opportunity to review the project documentation, which was received by our Cultural Resources Management Department on June 11th, pursuant to CEQA (as amended, 2015) and CA PRC 21080.3.1. The proposed project area exists within Serrano ancestral territory and, therefore, is of interest to the Tribe. However, due to the nature and location of the proposed project, and given the CRM Department's present state of knowledge, SMBMI does not have any concerns with the project's implementation, as planned, at this time. As a result, SMBMI requests that the following language be made a part of the project/permit/plan conditions:

CUL MMS

1. In the event that cultural resources are discovered during project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and a qualified archaeologist meeting Secretary of Interior standards shall be hired to assess the find. Work on the other portions of the project outside of the buffered area may continue during this assessment period. Additionally, the San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) shall be contacted, as detailed within TCR-1, regarding any pre-contact and/or historic-era finds and be provided information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment.
2. If significant pre-contact and/or historic-era cultural resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to SMBMI for review and comment, as detailed within TCR-1. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly.
3. If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5 and that code enforced for the duration of the project.

TCR MMS

1. The San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) shall be contacted, as detailed in CR-1, of any pre-contact and/or historic-era cultural resources discovered during project implementation, and be provided information regarding the nature of the find, so as to provide Tribal input with regards to significance and treatment. Should the find be deemed significant, as defined by CEQA (as amended, 2015), a cultural resources Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with SMBMI, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents SMBMI for the remainder of the project, should SMBMI elect to place a monitor on-site.
2. Any and all archaeological/cultural documents created as a part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for dissemination to SMBMI. The Lead Agency and/or applicant shall, in good faith, consult with SMBMI throughout the life of the project.

Note: San Manuel Band of Mission Indians realizes that there may be additional tribes claiming cultural affiliation to the area; however, San Manuel Band of Mission Indians can only speak for itself. The Tribe has no objection if the agency, developer, and/or archaeologist wishes to consult with other tribes in addition to SMBMI and if the Lead Agency wishes to revise the conditions to recognize additional tribes.

Please provide the final copy of the project/permit/plan conditions so that SMBMI may review the included language. This communication concludes SMBMI's input on this project, at this time, and no additional consultation pursuant to CEQA is required unless there is an unanticipated discovery of cultural resources during project implementation. If you should have any further questions with regard to this matter, please do not hesitate to contact me at your convenience, as I will be your Point of Contact (POC) for SMBMI with respect to this project.

Respectfully,
Ryan Nordness

Ryan Nordness

CULTURAL RESOURCE ANALYST
Email: Ryan.Nordness@sanmanuel-nsn.gov
O: (909) 864-8933 Ext 50-2022
Internal: 50-2022
M: 909-838-4053
26569 Community Center Dr. Highland California 92346



THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. If the reader of this message is not the intended recipient or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination or copying of this communication is strictly prohibited. If you have received this electronic transmission in error, please delete it from your system without copying it and notify the sender by reply e-mail so that the email address record can be corrected. Thank You