

NOTICE OF PREPARATION of a Draft Program Environmental Impact Report, Notice of Public Scoping Meeting

- Project:** Housing Element Rezone Program Implementation
- Project Case Files:** General Plan Amendment GPA2021-2, Town Center Specific Plan Amendment TCSPA2021-2, Rezone R2021-2, Zoning Amendment ZA2021-2, Environmental Impact Report AEIS2021-3
- Project Proponent:** City of Santee
- Project Location:** Citywide (refer to Table 1 and Figure 1)

Environmental Impact Report: The City of Santee is preparing a Program Environmental Impact Report (EIR) for the rezoning of selected sites throughout the City as part of the implementation of the Sixth Cycle Housing Element, adopted by the City Council on July 14, 2021. The City will be the lead agency under the California Environmental Quality Act (CEQA) for the project. This Notice of Preparation (NOP) describes the proposed project that will be analyzed in the Program EIR and identifies areas of probable environmental effects of the project.

As specified in the CEQA Guidelines, the Notice of Preparation will be circulated for a 30-day review period. Agencies, organizations, and interested members of the public are invited to provide input on the scope of the environmental analysis. If you are a responsible or trustee agency, the views of your agency are requested as to the scope and content of the environmental information which is germane to your agency's statutory responsibilities in connection with the proposed project. In the event that no response or well justified request for additional time is received by any responsible agency or trustee agency by the end of the review period, we presume that these agencies have no response. Comments may be submitted in writing during the review period and addressed to:

Michael Coyne, Associate Planner
City of Santee Development Services
10601 Magnolia Avenue
Santee, CA 92071
Telephone: (619) 458-4100 ext. 160
Email: mcoyne@cityofsanteca.gov

The Notice of Preparation comment period closes at 5:00 p.m. on **November 15, 2021**. All comments concerning this environmental document must be submitted in writing to Michael Coyne, Project Planner, prior to the close of the public comment period as noted above. Please indicate a contact person in your comment. The City will consider all written comments received during the noticed public review period prior to approving the project.

Public Scoping Meeting

The City will hold a scoping meeting to provide an opportunity for agency staff and interested members of

the public to submit comments, either written or verbal, on the scope of the environmental issues to be addressed in the Program EIR. The scoping meeting will be held on **Wednesday, November 3, 2021** from 6:00 p.m. to 8:00 p.m. at the City of Santee Council Chambers, 10601 Magnolia Avenue, Santee, CA 92071. The scoping meeting will have an “open house” format, so participants can attend at any point during this two-hour window. Written comments regarding relevant issues may be submitted at the meeting.

Project Background

The City Council adopted the Sixth Cycle Housing Element on July 14, 2021, which covers the planning period from April 15, 2021 to April 15, 2029. The Housing Element is the City’s main housing policy and planning document that identifies housing needs and constraints, sets forth goals, policies and programs that address these needs and constraints, and plans for projected housing needs for all income levels over an eight-year planning period that coincides with a Regional Housing Needs Allocation (RHNA) from the San Diego Association of Governments (SANDAG). The City is required by State law to update its Housing Element every eight years. The Housing Element is a mandatory element of the City’s General Plan and must be certified by the California Department of Housing and Community Development (HCD) that it meets strict statutory requirements. The Housing Element consists of five sections and five supporting appendices that cover the following main topics:

- A detailed analysis of the City’s demographic, economic and housing characteristics;
- Identification of governmental and nongovernmental constraints to housing production;
- A summary of resources available for the development, rehabilitation, and preservation of housing;
- Development of objectives, policies, and programs that address housing needs and constraints;
- A review of the City’s progress in implementing current housing policies and programs;
- Identification of candidate sites within the City (Sites Inventory) that would be able to accommodate new housing to meet the City’s RHNA; and
- An analysis of barriers that restrict access to opportunity and the identification of measures to counter these barriers (Affirmatively Further Fair Housing).

An essential component of the Housing Element is the Sites Inventory, which identifies suitable sites throughout the City that can adequately accommodate the required housing capacity set forth by the City’s RHNA, which for the 2021-2029 Sixth Cycle planning period is 1,219 housing units. The Sites Inventory identifies 34 sites throughout the City (Figure 1) with the capacity to accommodate a minimum of 1,219 housing units, consisting of 406 very low income, 200 low income, 188 moderate income, and 425 above moderate income units. Because the existing land uses throughout the City do not currently have the prescribed residential densities to meet the City’s RHNA, of the 34 sites in the Sites Inventory, 25 sites have been identified as candidate housing sites for rezoning. Program 9 of the Housing Element commits the City to evaluate candidate sites and rezone as appropriate to achieve adequate housing capacity.

Proposed Project:

The project includes: (1) a General Plan Map and Text amendment to redesignate land uses and adjust residential densities on up to 19 identified sites throughout the City; (2) a Town Center Specific Plan Amendment to redesignate land uses and adjust allowable residential densities on up to eight (8) identified sites within the Town Center; (3) rezoning of sites to match new General Plan land use designations and densities; and (4) corresponding zoning ordinance text amendments in support of by-right housing sites, a new mixed-use zoning overlay, and a modified R-30 (Urban Residential) Zone. Although not part of the Housing Element Sites Inventory, two vacant properties along Graves Avenue that are currently in the R-14 (Medium High Density Residential) Zone (APNs 387-061-11 & -12) are included in the project scope for rezoning to the General Commercial (CG) Zone to remove them from consideration as housing sites. In addition, the zoning ordinance text amendment would consider conditionally allowing recreational vehicle storage in the CG Zone. This project would implement Program 9 of the City’s Housing Element

to ensure that the Housing Element Sites Inventory identifies potential housing sites throughout the City that cumulatively result in sufficient housing capacity to comply with RHNA requirements. The project would include the creation of a new mixed-use zoning overlay and a higher density residential range for the R-30 Zone of 30 to 36 dwelling units per acre. The project would also implement Housing Element Program 10 by creating Objective Design Standards for sites identified as by-right housing sites in the Housing Element Sites Inventory.

Requested Entitlements:

The City proposes to rezone the candidate sites listed in Table 1 and shown in Figure 1. Entitlements would include General Plan Amendment GPA2021-2, Town Center Specific Plan Amendment TCSPA2021-2, Rezone R2021-2, Zoning Amendment ZA2021-2, and Environmental Impact Report AEIS2021-3.

Project Alternatives:

The Program EIR will evaluate a reasonable range of project alternatives, including the required No Project Alternative.

Potential Environmental Effect Areas:

The Program EIR will describe the reasonably foreseeable and potentially significant adverse effects of the proposed project (both direct and indirect). The Program EIR also will evaluate the cumulative impacts of the project when considered in conjunction with other related past, present, and reasonably foreseeable future projects. The City anticipates that the proposed project could result in potentially significant environmental impacts in the following topic areas, which will be further evaluated in the Program EIR.

- Aesthetics/Visual
- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation
- Tribal Cultural Resources
- Utilities and Service Systems
- Wildfire
- Cumulative Effects
- Growth Inducing Effects

As environmental documentation for this project is completed, it will be available for review at the City’s Development Services Department located in Building 4 at Santee City Hall, 10601 Magnolia Avenue, Santee, CA 92071, and online at: cityofsanteeca.gov

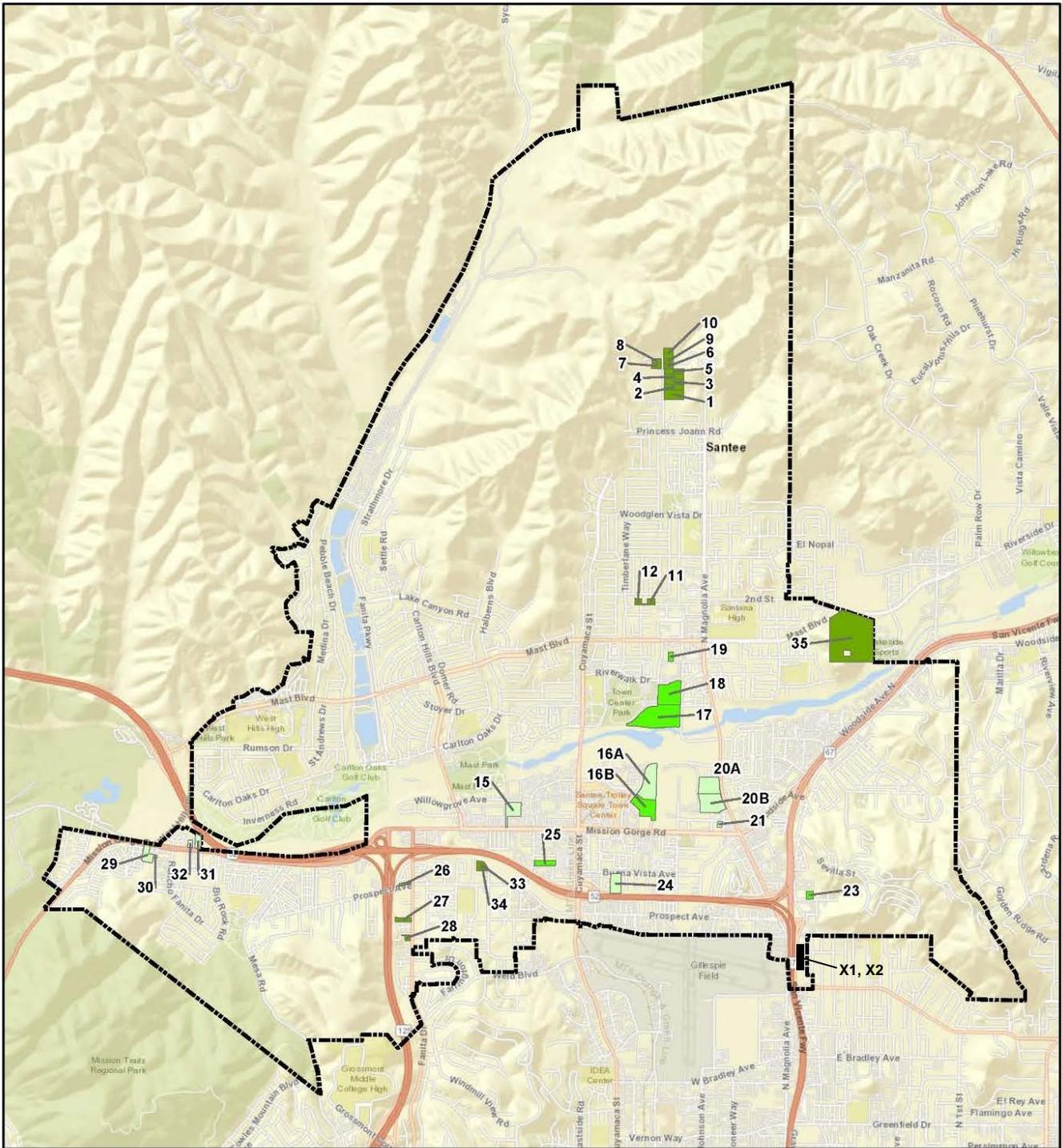
Proposed Sites for Rezoning:

The proposed project to implement Programs 9 and 10 of the Housing Element would potentially rezone up to 27 sites throughout the City as identified in Figure 1 and listed in Table 1 on the following pages.

Table 1: Candidate Rezone Sites

Map ID #	APN	Address	Current Zoning	Proposed Zoning	Lot Size (Acres)	Potential Capacity	Status
1	37819001	10939 Summit Ave	R-1A	R-7	4.65	29	Nonvacant
2	37818010	11009 Summit Ave	R-1A	R-7	2.32	14	Nonvacant
3	37818009	11025 Summit Ave	R-1A	R-7	2.32	14	Nonvacant
4	37818008	11041 Summit Ave	R-1A	R-7	2.32	14	Nonvacant
5	37818007	11059 Summit Ave	R-1A	R-7	2.32	11	Nonvacant
6	37818029	10215 Summit Crest Dr	R-1A	R-7	1.16	8	Nonvacant
7	37821021	11010 Summit Ave	R-1A	R-7	1.15	8	Nonvacant
8	37821020	11020 Summit Ave	R-1A	R-7	1.02	7	Nonvacant
9	37818028	11115 Summit Ave	R-1A	R-7	1.16	8	Nonvacant
10	37818020	11129 Summit Ave	R-1A	R-7	2.32	11	Nonvacant
11	38103107	9945 Conejo Rd	R-2	R-7	1.19	8	Nonvacant
12	38169028	9960 Conejo Rd	R-2	R-7	0.86	6	Nonvacant
15	38104036	Walmart	TC-C	TC-R-22	5.26	115	Vacant
16A	38105082	Civic Center Site I	TC-C	TC-R-30	11.11	333	Vacant
16B	38105082	Civic Center Site II	TC-C	TC-R-14	8.61	120.	Vacant
17	38105118	Cottonwood Ave	TC-R-30	TC-R-14	22.15	279	Vacant
18	38105117	Cottonwood Ave	TC-R-30	TC-R-14	11.71	98	Vacant
19	38103208	Park Center Dr	TC-R-22	TC-R-14	2.35	32	Vacant
20A	38105081	9200 Magnolia Ave	TC-O/I	TC-R-22	7.75	170	Nonvacant
20B	38105081	9200 Magnolia Ave	TC-O/I	TC-R-30	10.00	300	Nonvacant
24	38416204	9953 Buena Vista Ave	R-2	R-22	4.80	105	Nonvacant
25	38402007	8801 Olive Ln	IL	R-14	2.93	41	Nonvacant
29	38630031	7737 Mission Gorge Rd	GC	R-22	3.25	64	Nonvacant
30	38630009	8714 Starpine Dr	R-7/GC	R-22	1.30	28	Nonvacant
35	37903031	Mast Blvd	POS/IL	POS/R-7	47.45	122	Vacant
X1	38706111	Graves Ave.	R-14	GC	3.69	N/A	Vacant
X2	38706112	Graves Ave.	R-14	GC	2.26	N/A	Vacant

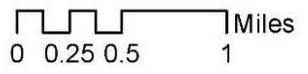
Figure 1: Project Location



6th Cycle Final Sites

- Above Mod
- Mod
- Lower
- City Boundary

**City of Santee
Residential Sites Inventory
Housing Element (6th Cycle: 2021-29)**



NATIVE AMERICAN HERITAGE COMMISSION

October 20, 2021

Governor's Office of Planning & Research

Oct 22 2021

STATE CLEARINGHOUSE

Michael Coyne
City of Santee
10601 Magnolia Ave.
Santee, CA 92071

Re: 2021100263, Notice of Preparation of a Draft Program Environmental Impact Report for the Housing Element Rezone Program Implementation Project, San Diego County

Dear Mr. Coyne:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, § 15064.5 (b) (CEQA Guidelines §15064.5 (b))). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1))). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides 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. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.



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AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

- 1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:** Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

 - a.** A brief description of the project.
 - b.** The lead agency contact information.
 - c.** Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
 - d.** A “California Native American tribe” is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).
- 2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report:** A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subs. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1 (b)).

 - a.** For purposes of AB 52, “consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).
- 3. Mandatory Topics of Consultation If Requested by a Tribe:** The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

 - a.** Alternatives to the project.
 - b.** Recommended mitigation measures.
 - c.** Significant effects. (Pub. Resources Code §21080.3.2 (a)).
- 4. Discretionary Topics of Consultation:** The following topics are discretionary topics of consultation:

 - a.** Type of environmental review necessary.
 - b.** Significance of the tribal cultural resources.
 - c.** Significance of the project's impacts on tribal cultural resources.
 - d.** If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).
- 5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process:** With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).
- 6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document:** If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

 - a.** Whether the proposed project has a significant impact on an identified tribal cultural resource.
 - b.** Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

- 7. Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:
- a.** The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - b.** A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
- 8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document:** Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
- 9. Required Consideration of Feasible Mitigation:** If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
- 10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**
- a.** Avoidance and preservation of the resources in place, including, but not limited to:
 - i.** Planning and construction to avoid the resources and protect the cultural and natural context.
 - ii.** Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - b.** Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i.** Protecting the cultural character and integrity of the resource.
 - ii.** Protecting the traditional use of the resource.
 - iii.** Protecting the confidentiality of the resource.
 - c.** Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - d.** Protecting the resource. (Pub. Resource Code §21084.3 (b)).
 - e.** Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
 - f.** Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
- 11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource:** An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
- a.** The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
 - b.** The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - c.** The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf.

Some of SB 18's provisions include:

1. **Tribal Consultation**: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation**. There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality**: Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation**: Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>.

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.

- b.** The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.
- 3.** Contact the NAHC for:
- a.** A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - b.** A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
- 4.** Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
- a.** Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, §15064.5(f) (CEQA Guidelines §15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - b.** Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
 - c.** Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address:
Andrew.Green@nahc.ca.gov.

Sincerely,



Andrew Green
Cultural Resources Analyst

cc: State Clearinghouse