

Appendix B

Tribal Cultural
Resource Memo

Memorandum

HELIX Environmental Planning, Inc.
11 Natoma Street, Suite 155
Folsom, CA 95630
916.365.8700 tel
619.462.0552 fax
www.helixepi.com



Date: October 11, 2022

From: HELIX Environmental Planning, Inc. (HELIX)

Subject: Tribal Consultation Record for Compliance with Assembly Bill 52 and CEQA for the Livermore Monopine Project, City of Folsom

Greetings:

California Environmental Quality Act (CEQA), as amended by Assembly Bill 52 (AB 52), requires that the City provide notice to any California Native American tribes that have requested notice of projects subject to CEQA review and consult with tribes that responded to the notice within 30 days of receipt with a request for consultation. For the City, these included the following tribes that previously submitted general request letters, requesting such noticing:

- Wilton Rancheria (letter dated January 13, 2020);
- Lone Band of Miwok Indians (letter dated March 2, 2016); and,
- United Auburn Indian Community (UAIC) of the Auburn Rancheria (letter dated November 23, 2015 and updated per UAIC via email on September 29, 2021).

The purpose of consultation is to identify Tribal Cultural Resources (TCRs) that may be significantly impacted by the proposed project, and to allow the City to avoid or mitigate significant impacts prior to project approval and implementation. Section 21074(a) of the PRC defines TCRs for the purpose of CEQA as:

Sites, features, places, cultural landscapes (geographically defined in terms of the size and scope), sacred places, and objects with cultural value to a California Native American tribe that are either of the following:

- a) included or determined to be eligible for inclusion in the California Register of Historical Resources; and/or,*
- b) included in a local register of historical resources as defined in subdivision (k) of Section 5020.1; and/or,*

- c) *a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.*

Because the first two criteria also meet the definition of a Historical Resource under CEQA, a TCR may also require additional consideration as a Historical Resource. TCRs may or may not exhibit archaeological, cultural, or physical indicators and can only be identified by a culturally affiliated tribe, which has been determined under State law to be the subject matter expert for TCRs.

CEQA requires that the City initiate consultation with tribes at the commencement of the CEQA process to identify TCRs. Furthermore, because a significant effect on a TCR is considered a significant impact on the environment under CEQA, consultation is required to develop appropriate avoidance, impact minimization, and mitigation measures. Therefore, in accordance with the requirements summarized above, the City carried out, or attempted to carry out, tribal consultation for the project.

1.0 Summary of Consultation

On August 5, 2022, the City sent project notification letters to the three California Native American tribes named above that had previously submitted general consultation request letters pursuant to Section 21080.3.1(d) of the PRC. The letter provided each tribe with a brief description of the project and its location, the contact information for the City's authorized representative, and a notification that the tribe has 30 days to request consultation.

1.1 Lone Band of Miwok Indians

The Lone Band of Miwok Indians did not respond to the City's notification letter, and therefore, the threshold for conducting tribal consultation with that tribe under PRC 21080.3.1(e) was not met. No further attempts at consultation were required by state law.

1.2 Wilton Rancheria

Wilton Rancheria did not respond to the City's notification letter, and therefore, the threshold for conducting tribal consultation with that tribe under PRC 21080.3.1(e) was not met. No further attempts at consultation were required by state law.

1.3 United Auburn Indian Community

On August 31, 2022 the City received an email from tribal representative Anna Cheng, within the 30-day response timeframe, that acknowledged receipt of the City's notification letter and informed the City that no map was attached to the notification letter which makes it difficult to review their system for traditional and cultural affiliation. Anna Cheng requested the City forward the project's map and/or shapefiles. On August 31, 2022, the City emailed Anna Cheng with the site plan and elevations. On August 31, 2022, Anna Cheng responded to the site plan and elevations noting that she will notify UAIC's Cultural Regulatory Specialist Ms. Anna Starkey if any sensitivity is identified. Anna Cheng noted that Anna Starkey will reach out to the City regarding recommendations.

On September 28, 2022 the City emailed Anna Cheng and Anna Starkey to notify them any information they wish to provide must be done by October 7th, otherwise consultation would be considered closed.

On September 29, 2022, Anna Starkey emailed the City and asked if an archaeological survey was conducted and requested to see the results. She noted that the project is a smaller footprint with no known cultural sites present so they were not anticipating any unrecorded resources to be present. Anna Starkey noted that if the archaeological survey did not identify any indigenous cultural resources, their unanticipated discoveries mitigation and TCR chapter recommendations would be sufficient.

On September 30, 2022 the City responded to Anna Starkey noting that an archaeological survey and records search was being conducted and the TCR mitigation measure language will be prescribed in the ISMND. There was no further communication between the City and UAIC after September 30, 2022. As requested by the UAIC, the ISMND will be provided to the tribe during public review period.

2.0 Recommended Findings

Information about potential impacts to TCRs was drawn from UAIC's provided information, the ethnographic context, and the results of a records search conducted by HELIX with the CHRIS. In summary, the ethnographic information reviewed for the project, including ethnographic maps, does not identify any villages, occupational areas, or resource procurement locations in or around the current project area. The cultural resources records search did not reveal any Native American archaeological sites within or adjacent to the proposed project area. Finally, as summarized above, of the three tribes notified of the project, only UAIC responded to the City's offer to consult. As part of that consultation, UAIC provided information that there are no known TCRs in the project area.

In reviewing the lines of evidence summarized above, the project will not have an impact on known TCRs. There exists a potential for the discovery of previously unknown TCRs during project construction, however. If TCRs are encountered, the project activity could result in a significant impact to those resources. Implementation of unanticipated discovery procedures, as provided in mitigation measure TCR- 1 below, would reduce that impact to less than significant.

Mitigation Measure TCR-1: Unanticipated Discovery of TCRs

If potentially significant TCRs are discovered during ground disturbing construction activities, all work shall cease within 50 feet of the find. A Native American Representative from traditionally and culturally affiliated Native American Tribes that requested consultation on the project shall be immediately contacted and invited to assess the significance of the find and make recommendations for further evaluation and treatment, as necessary. If deemed necessary by the City, a qualified cultural resources specialist, who meets the Secretary of Interior's Standards and Qualifications for Archaeology, may also assess the significance of the find in joint consultation with Native American Representatives to ensure that Tribal values are considered. Work at the discovery location cannot resume until the City, in consultation as appropriate and in good faith, determines that the discovery is either not a TCR, or has been subjected to culturally appropriate treatment, if avoidance and preservation cannot be accommodated.

3.0 Appendices

Appendix A: AB 52 Non-Confidential Tribal Correspondence

Appendix A

AB 52 Non-Confidential Tribal
Correspondence



Community Development Department
50 Natoma Street
Folsom, CA 95630

CITY OF
FOLSOM
DISTINCTIVE BY NATURE

August 5, 2022

Sara D. Setshwaelo, Chairperson
Ione Band of Miwok Indians
9252 Bush Street
P.O. Box 699
Plymouth, CA 95669

RE: Notice of Opportunity to Consult under Assembly Bill 52 for the Livermore Monopine Project, City of Folsom, California

Dear Chairperson Setshwaelo:

The Community Development Department of the City of Folsom is initiating environmental review under the California Environmental Quality Act (CEQA) for the proposed Livermore Monopine Project. The project applicant, AT&T Mobility, proposes to install an 89-foot-tall wireless telecommunications cell tower, disguised as a pine tree, with associated support structure within a 1,600-square foot lease area on Assessor's Parcel Number 072-0270-088. The applicant proposes to construct the monopine (a monopole disguised as a pine tree), and a walk-in-closet (WIC) equipment shelter and install a backup generator with propane tank. The property is located within the Livermore Community Park, south of Riley Street, west of McAdoo Drive, east of Rowlands Court, and north of Carter Street in Folsom. The project plans are enclosed for your information.

Assembly Bill 52 (AB 52) and Section 21080.3. l(d) of the California Public Resources Code (PRC) require that we respond to your written request to be notified of projects in our jurisdiction that will be reviewed under CEQA. Your name was provided to us as the point of contact for your tribe. We are hereby notifying you of an opportunity to consult with us regarding the potential for this project to impact Tribal Cultural Resources, as defined in Section 21074 of the PRC. The purposes of tribal consultation under AB 52 are to determine, as part of the CEQA review process, whether or not Tribal Cultural Resources are present within the project area, and if so, whether or not those resources will be significantly impacted by the development of these parcels. If Tribal Cultural Resources may be significantly impacted, then consultation will also help to determine the most appropriate way to avoid or mitigate those impacts.

In accordance with Section 21080.3. I (d) of the PRC, you have 30 days from the receipt of this letter to either request or decline consultation in writing for this project. Please send your written response to my attention at the City of Folsom, Community Development Department, 50 Natoma Street, Folsom, CA 95630. You may also reach me by phone at (916) 461-6209 or by email at jkinkade@folsom.ca.us. If I do not receive a response within 30 days, then we will proceed.

Thank you and we look forward to your response.

Respectfully,

A handwritten signature in black ink, appearing to read "Josh Kinkade". The signature is written in a cursive, flowing style.

Josh Kinkade
Associate Planner
City of Folsom



**Community Development Department
50 Natoma Street
Folsom, CA 95630**

CITY OF
FOLSOM
DISTINCTIVE BY NATURE

August 5, 2022

Anna Starkey
United Auburn Indian Community of the Auburn Rancheria
10720 Indian Hill Road
Auburn, CA 95603

RE: Notice of Opportunity to Consult under Assembly Bill 52 for the Livermore Monopine Project, City of Folsom, California

Dear Ms. Starkey,

The Community Development Department of the City of Folsom is initiating environmental review under the California Environmental Quality Act (CEQA) for the proposed Livermore Monopine Project. The project applicant, AT&T Mobility, proposes to install an 89-foot-tall wireless telecommunications cell tower, disguised as a pine tree, with associated support structure within a 1,600-square foot lease area on Assessor's Parcel Number 072-0270-088. The applicant proposes to construct the monopine (a monopole disguised as a pine tree), and a walk-in-closet (WIC) equipment shelter and install a backup generator with propane tank. The property is located within the Livermore Community Park, south of Riley Street, west of McAdoo Drive, east of Rowlands Court, and north of Carter Street in Folsom. The project plans are enclosed for your information.

Assembly Bill 52 (AB 52) and Section 21080.3. 1(d) of the California Public Resources Code (PRC) require that we respond to your written request to be notified of projects in our jurisdiction that will be reviewed under CEQA. Your name was provided to us as the point of contact for your tribe. We are hereby notifying you of an opportunity to consult with us regarding the potential for this project to impact Tribal Cultural Resources, as defined in Section 21074 of the PRC. The purposes of tribal consultation under AB 52 are to determine, as part of the CEQA review process, whether or not Tribal Cultural Resources are present within the project area, and if so, whether or not those resources will be significantly impacted by the development of these parcels. If Tribal Cultural Resources may be significantly impacted, then consultation will also help to determine the most appropriate way to avoid or mitigate those impacts.

In accordance with Section 21080.3. I (d) of the PRC, you have 30 days from the receipt of this letter to either request or decline consultation in writing for this project. Please send your written response to my attention at the City of Folsom, Community Development Department, 50 Natoma Street, Folsom, CA 95630. You may also reach me by phone at (916) 461-6209 or by email at jkinkade@folsom.ca.us. If I do not receive a response within 30 days, then we will proceed.

Thank you and we look forward to your response.

Respectfully,

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Josh Kinkade
Associate Planner
City of Folsom



**Community Development Department
50 Natoma Street
Folsom, CA 95630**

CITY OF
FOLSOM
DISTINCTIVE BY NATURE

August 5, 2022

Ralph Hatch, Director
Wilton Rancheria
Cultural Preservation Department
9415 Rancheria Drive
Wilton, CA 95693

RE: Notice of Opportunity to Consult under Assembly Bill 52 for the Livermore Monopine Project, City of Folsom, California

Dear Director Hatch:

The Community Development Department of the City of Folsom is initiating environmental review under the California Environmental Quality Act (CEQA) for the proposed Livermore Monopine Project. The project applicant, AT&T Mobility, proposes to install an 89-foot-tall wireless telecommunications cell tower, disguised as a pine tree, with associated support structure within a 1,600-square foot lease area on Assessor's Parcel Number 072-0270-088. The applicant proposes to construct the monopine (a monopole disguised as a pine tree), and a walk-in-closet (WIC) equipment shelter and install a backup generator with propane tank. The property is located within the Livermore Community Park, south of Riley Street, west of McAdoo Drive, east of Rowlands Court, and north of Carter Street in Folsom. The project plans are enclosed for your information.

Assembly Bill 52 (AB 52) and Section 21080.3. l(d) of the California Public Resources Code (PRC) require that we respond to your written request to be notified of projects in our jurisdiction that will be reviewed under CEQA. Your name was provided to us as the point of contact for your tribe. We are hereby notifying you of an opportunity to consult with us regarding the potential for this project to impact Tribal Cultural Resources, as defined in Section 21074 of the PRC. The purposes of tribal consultation under AB 52 are to determine, as part of the CEQA review process, whether or not Tribal Cultural Resources are present within the project area, and if so, whether or not those resources will be significantly impacted by the development of these parcels. If Tribal Cultural Resources may be significantly impacted, then consultation will also help to determine the most appropriate way to avoid or mitigate those impacts.

In accordance with Section 21080.3. I (d) of the PRC, you have 30 days from the receipt of this letter to either request or decline consultation in writing for this project. Please send your written response to my attention at the City of Folsom, Community Development Department, 50 Natoma Street, Folsom, CA 95630. You may also reach me by phone at (916) 461-6209 or by email at jkinkade@folsom.ca.us. If I do not receive a response within 30 days, then we will proceed.

Thank you and we look forward to your response.

Respectfully,

A handwritten signature in black ink, appearing to read "Josh Kinkade". The signature is written in a cursive, flowing style.

Josh Kinkade
Associate Planner
City of Folsom



**Community Development Department
50 Natoma Street
Folsom, CA 95630**

CITY OF
FOLSOM
DISTINCTIVE BY NATURE

August 5, 2022

Chairman Raymond C. Hitchcock
Wilton Rancheria
Cultural Preservation Department
9415 Rancheria Drive
Wilton, CA 95693

RE: Notice of Opportunity to Consult under Assembly Bill 52 for the Livermore Monopine Project, City of Folsom, California

Dear Chairman Hitchcock:

The Community Development Department of the City of Folsom is initiating environmental review under the California Environmental Quality Act (CEQA) for the proposed Livermore Monopine Project. The project applicant, AT&T Mobility, proposes to install an 89-foot-tall wireless telecommunications cell tower, disguised as a pine tree, with associated support structure within a 1,600-square foot lease area on Assessor's Parcel Number 072-0270-088. The applicant proposes to construct the monopine (a monopole disguised as a pine tree), and a walk-in-closet (WIC) equipment shelter and install a backup generator with propane tank. The property is located within the Livermore Community Park, south of Riley Street, west of McAdoo Drive, east of Rowlands Court, and north of Carter Street in Folsom. The project plans are enclosed for your information.

Assembly Bill 52 (AB 52) and Section 21080.3. 1(d) of the California Public Resources Code (PRC) require that we respond to your written request to be notified of projects in our jurisdiction that will be reviewed under CEQA. Your name was provided to us as the point of contact for your tribe. We are hereby notifying you of an opportunity to consult with us regarding the potential for this project to impact Tribal Cultural Resources, as defined in Section 21074 of the PRC. The purposes of tribal consultation under AB 52 are to determine, as part of the CEQA review process, whether or not Tribal Cultural Resources are present within the project area, and if so, whether or not those resources will be significantly impacted by the development of these parcels. If Tribal Cultural Resources may be significantly impacted, then consultation will also help to determine the most appropriate way to avoid or mitigate those impacts.

In accordance with Section 21080.3. I (d) of the PRC, you have 30 days from the receipt of this letter to either request or decline consultation in writing for this project. Please send your written response to my attention at the City of Folsom, Community Development Department, 50 Natoma Street, Folsom, CA 95630. You may also reach me by phone at (916) 461-6209 or by email at jkinkade@folsom.ca.us. If I do not receive a response within 30 days, then we will proceed.

Thank you and we look forward to your response.

Respectfully,

A handwritten signature in black ink that reads "Josh Kinkade". The signature is written in a cursive, flowing style.

Josh Kinkade
Associate Planner
City of Folsom

From: [Robert Edgerton](#)
To: [Julia Pano](#)
Subject: FW: AB52: Livermore Monopine Project, City of Folsom
Date: Tuesday, October 11, 2022 11:38:21 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

From: Josh Kinkade
Sent: Friday, September 30, 2022 10:05 AM
To: Anna Starkey <astarkey@auburnrancheria.com>
Cc: Anna Cheng <acheng@auburnrancheria.com>
Subject: RE: AB52: Livermore Monopine Project, City of Folsom

Anna,

Yes, an archaeological survey and records search was conducted for the proposed project. The results are being prepared now and the technical report should be ready in approximately one week. Tribal cultural resources are not specifically addressed in this report as we rely on information provided by the tribes during AB52 consultation to address this area and no other tribes responded. As such, the TCR mitigation measure language provided by the tribes in the past will be prescribed in the ISMND. Let me know if you have any questions or requests.

Thanks,



Josh Kinkade

Associate Planner

City of Folsom

50 Natoma Street, Folsom, CA 95630

jkinkade@folsom.ca.us

o:916-461-6209

www.folsom.ca.us

From: Anna Starkey <astarkey@auburnrancheria.com>
Sent: Thursday, September 29, 2022 4:29 PM
To: Josh Kinkade <jkinkade@folsom.ca.us>
Cc: Anna Cheng <acheng@auburnrancheria.com>
Subject: RE: AB52: Livermore Monopine Project, City of Folsom

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

Good afternoon,

Apologies for the delayed response. And thank you for letting us know the status of the CEQA document.

Was an archaeological survey conducted and can you share the results? It is a small project footprint with no known cultural sites present so we are not anticipating any unrecorded resources to be present.

If the archaeological survey did not identify any indigenous cultural resources, the attached unanticipated discoveries mitigation measure and our TCR chapter recommendations are sufficient.

Thank you,
Anna

From: Josh Kinkade <jkinkade@folsom.ca.us>
Sent: Wednesday, September 28, 2022 2:11 PM
To: Anna Cheng <acheng@auburnrancheria.com>
Cc: Anna Starkey <astarkey@auburnrancheria.com>; Kendall Matthews <kmatthews@auburnrancheria.com>
Subject: RE: AB52: Livermore Monopine Project, City of Folsom

Anna,

The City is finalizing the draft CEQA document, so if you have any information that you wish to provide, please do so by October 7th. Otherwise, consultation will be considered closed.

Thanks,



Josh Kinkade

Associate Planner

City of Folsom

50 Natoma Street, Folsom, CA 95630

jkinkade@folsom.ca.us

o:916-461-6209

www.folsom.ca.us

From: Anna Cheng <acheng@auburnrancheria.com>
Sent: Wednesday, August 31, 2022 3:17 PM
To: Josh Kinkade <jkinkade@folsom.ca.us>
Cc: Anna Starkey <astarkey@auburnrancheria.com>; Kendall Matthews

<kmatthews@auburnrancheria.com>

Subject: RE: AB52: Livermore Monopine Project, City of Folsom

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Dear Mr. Kinkade,

Thank you for providing the requested information. If we identify any sensitivity after processing the notification, UAIC's Cultural Regulatory Specialist, Ms. Anna Starkey, will reach out to you regarding our recommendations.

Best,
Anna Cheng

From: Josh Kinkade <jkinkade@folsom.ca.us>
Sent: Wednesday, August 31, 2022 9:34 AM
To: Anna Cheng <acheng@auburnrancheria.com>
Cc: Anna Starkey <astarkey@auburnrancheria.com>; Kendall Matthews <kmatthews@auburnrancheria.com>
Subject: RE: AB52: Livermore Monopine Project, City of Folsom

Anna,

Please find the attached site plan and elevations. Let me know if you'd like any of the other pages referenced on the title page as well (the full set of plans were a bit too large to attach).

Thanks,



Josh Kinkade

Associate Planner

City of Folsom

50 Natoma Street, Folsom, CA 95630

jkinkade@folsom.ca.us

o:916-461-6209

www.folsom.ca.us

From: Anna Cheng <acheng@auburnrancheria.com>
Sent: Wednesday, August 31, 2022 9:19 AM
To: Josh Kinkade <jkinkade@folsom.ca.us>
Cc: Anna Starkey <astarkey@auburnrancheria.com>; Kendall Matthews <kmatthews@auburnrancheria.com>

Subject: AB52: Livermore Monopine Project, City of Folsom

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

Dear Mr. Kinkade,

On behalf of United Auburn Indian Community's Tribal Historic Preservation Department, thank you for the notification for the project referenced above. Unfortunately no map was attached to the notification letter which makes it difficult to review our system for traditional and cultural affiliation. May you forward the project's map and/or shapefiles to me so that we may begin processing your request? Thank you.

Best,
Anna C.

*The United Auburn Indian Community is now accepting electronic consultation request, project notifications, and requests for information! Please fill out and submit through our website. Do not mail hard copy letters or documents. <https://auburnrancheria.com/programs-services/tribal-preservation> **Bookmark this link!***



Anna Cheng
Tribal Heritage Coordinator
Tribal Historic Preservation Department | UAIC
10720 Indian Hill Road
Auburn, CA 95603
Cell: (530) 492-4822
acheng@auburnrancheria.com | www.auburnrancheria.com

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