

APPENDIX H

NATIVE AMERICAN TRIBAL CONSULTATION CORRESPONDENCE

Braginton, Jon

From: Ryan Nordness <Ryan.Nordness@sanmanuel-nsn.gov>
Sent: Wednesday, August 17, 2022 12:18 PM
To: Braginton, Jon
Cc: Warrick, Chris - LUS
Subject: RE: PROJ-2022-00024: CUP for Honey Packing Plant: Lytle Creek: Request for: Geotech - Cultural - Site Plan

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Hello Jon,

Thank you for contacting the Yuhaaviatam of San Manuel Nation (formerly known as the San Manuel Band of Mission Indians) regarding the above referenced project. YSMN appreciates the opportunity to review the project documentation, which was received by our Cultural Resources Management Department on August 8th 2022, 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, YSMN does not have any concerns with the project's implementation, as planned, at this time. As a result, YSMN 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 Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) 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 YSMN 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 Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) 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

YSMN, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents YSMN for the remainder of the project, should YSMN 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 YSMN. The Lead Agency and/or applicant shall, in good faith, consult with YSMN throughout the life of the project.

Note: Yuhaaviatam of San Manuel Nation realizes that there may be additional tribes claiming cultural affiliation to the area; however, Yuhaaviatam of San Manuel Nation 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 YSMN 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 YSMN may review the included language. This communication concludes YSMN'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 YSMN with respect to this project.

Respectfully,
Ryan Nordness

From: Braginton, Jon <Jon.Braginton@lus.sbcounty.gov>
Sent: Wednesday, August 17, 2022 10:19 AM
To: Ryan Nordness <Ryan.Nordness@sanmanuel-nsn.gov>
Cc: Warrick, Chris - LUS <Chris.Warrick@lus.sbcounty.gov>
Subject: RE: PROJ-2022-00024: CUP for Honey Packing Plant: Lytle Creek: Request for: Geotech - Cultural - Site Plan

Attached Cultural Assessment.

Jon Braginton

Planner
Land Use Services Department
Phone: 909-387-3067 / 760-776-6144
Fax: 909-387-3223
385 N. Arrowhead Ave.
San Bernardino, CA 92415-0187



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www.SBCounty.gov

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From: Braginton, Jon
Sent: Wednesday, August 17, 2022 10:18 AM
To: Ryan Nordness <Ryan.Nordness@sanmanuel-nsn.gov>
Cc: Warrick, Chris - LUS <Chris.Warrick@lus.sbcounty.gov>
Subject: RE: PROJ-2022-00024: CUP for Honey Packing Plant: Lytle Creek: Request for: Geotech - Cultural - Site Plan

Ryan,

Sending over the Cultural Assessment next.

Jon Braginton

Planner
Land Use Services Department
Phone: 909-387-3067 / 760-776-6144
Fax: 909-387-3223
385 N. Arrowhead Ave.
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From: Ryan Nordness <Ryan.Nordness@sanmanuel-nsn.gov>

Sent: Wednesday, August 17, 2022 10:14 AM

To: Braginton, Jon <Jon.Braginton@lus.sbcounty.gov>

Cc: Warrick, Chris - LUS <Chris.Warrick@lus.sbcounty.gov>

Subject: Re: PROJ-2022-00024: CUP for Honey Packing Plant: Lytle Creek: Request for: Geotech - Cultural - Site Plan

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Hey Jon,
Yes please send those over.

On Aug 17, 2022, at 9:36 AM, Braginton, Jon <Jon.Braginton@lus.sbcounty.gov> wrote:

Good Morning Ryan,

Just to let you know that I have now been assigned to this project. Per your request, I am not sure if Irene Romero sent over to you the Geotechnical Investigation, Cultural Resources Assessment and the Site Plan. Please let me know as I can send those over to you for review.

Thanks,

Jon

Jon Braginton

Planner
Land Use Services Department
Phone: 909-387-3067 / 760-776-6144
Fax: 909-387-3223
385 N. Arrowhead Ave.



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From: [Ryan Nordness](#)
To: [Romero, Irene](#)
Subject: RE: AB 52 NOTICE OF OPPORTUNITY TO CONSULT - PROJ-2022-00024
Date: Wednesday, May 11, 2022 9:55:56 AM
Attachments: [image001.png](#)

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

Hello Irene,

Thank you for contacting the Yuhaaviatam of San Manuel Nation (formerly known as the San Manuel Band of Mission Indians) regarding the above referenced project. YSMN appreciates the opportunity to review the project documentation, which was received by our Cultural Resources Management Department on May 10th, 2022, 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. The proposed project area is near the known Serrano village site of *Papiambit* as well as associated cultural resources.

Due to the nature and location of the proposed project, YSMN respectfully requests the following for review upon availability:

- Cultural report
- Geotechnical report (if required for the project)
- Project plans showing the depth of proposed disturbance

The provision of this information will assist Yuhaaviatam of San Manuel Nation in ascertaining how the Tribe will assume consulting party status under CEQA and participate, moving forward, in project review and implementation. Please note that if this information cannot be provided within the Tribe's 30-day response window, the Tribe automatically elects to be a consulting party under CEQA, as stipulated in AB52. If you should have any 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 YSMN with respect to this project.

Respectfully,
Ryan Nordness

From: Romero, Irene <Irene.Romero@lus.sbcounty.gov>
Sent: Tuesday, May 10, 2022 1:28 PM
To: Ryan Nordness <Ryan.Nordness@sanmanuel-nsn.gov>
Cc: Romero, Irene <Irene.Romero@lus.sbcounty.gov>
Subject: AB 52 NOTICE OF OPPORTUNITY TO CONSULT - PROJ-2022-00024

Good afternoon,

We are sending the attached notice in accordance with Assembly Bill 52 (AB 52) for the subject

project via email. Confirmation that this email has been received is appreciated.

Please contact me if you have any questions.

Thank you,

Irene Romero

Planner

Land Use Services Department

Phone: 760-995-8172

Cell: 909-601-4726

385 N. Arrowhead Ave. 1st floor

San Bernardino, CA, 92415



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Land Use Services Department Planning

David Doublet
Director

May 10, 2022

SENT VIA EMAIL

Ryan Nordness
Cultural Resources Analyst
San Manuel Band of Mission Indians
26569 Community Center Drive
Highland, CA 92346
Ryan.Nordness@sanmanuel-nsn.gov

RE: NOTICE OF OPPORTUNITY TO CONSULT FOR A CONDITIONAL USE PERMIT FOR AN APICULTURE FACILITY COMPRISED OF TWO 15,000 SQ. FT. SINGLE STORY CONCRETE TILT-UP BUILDINGS FOR HONEY AND BEE PRODUCTION STORAGE LOCATED WITHIN THE RURAL LIVING DESIGNATION AND LAND USE ZONING DISTRICT; APN: 0239-311-01, -02, & -03; 3RD SUPERVISORIAL DISTRICT; PROJECT NUMBER: PROJ-2022-00024.

Dear Mr. Nordness:

On April 26, 2022, Land Use Services initiated environmental review under the California Environmental Quality Act (CEQA) for Planned Development PROJ-2022-00024. The applicant is proposing the aforementioned development. The property is located at 3112 Lytle Creek Road in unincorporated Fontana. A project location map and a project description are enclosed for your information.

In accordance with Assembly Bill 52 (AB 52), which added various provisions to the California Public Resources Code (PRC) that concern Tribal Cultural Resources, including Section 21080.3.1(d), we are responding to your request to be notified of projects in the geographic area that is traditionally and culturally affiliated with your Tribe and that will be reviewed by this entity 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 project. 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 21080.3.1(d) of the PRC, you have 30 days from the receipt of this letter to request consultation in writing for this project. Please send your written request to Irene Romero, Planner, 15900 Smoke Tree St. Suite 131, Hesperia, CA 92345 or by email to Irene.Romero@lus.sbcounty.gov. In your request, please reference the Project name and number as indicated above. If we do not receive a request for consultation within 30 days of your receipt of this letter, we will proceed forward in the CEQA review process without consultation. Thank you and we look forward to your response.

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PROJ-2022-00024

May 10, 2022

PAGE 2 of 2

We have included, for your reference, a Project Notice, which includes the project description and location.

Respectfully,

A handwritten signature in cursive script, appearing to read "Irene Romero".

Irene Romero, Planner

IR/

Enclosures:

1. Project Notice - Location and Description

cc: Project Record



COUNTY OF SAN BERNARDINO
NOTICE OF OPPORTUNITY TO CONSULT
Land Engineering Consultants, Inc. - Conditional Use Permit

In accordance with Assembly Bill 52 (AB 52), we are responding to your request to be notified of projects in the geographic area that is traditionally and culturally affiliated with your Tribe and that will be reviewed by this entity under CEQA.

Project Title: Land Engineering Consultants, Inc. – Conditional Use Permit
Project No.: PROJ-2022-00024
Project Location: 3112 LYTLE CREEK RD, FONTANA, CA 92335

Project Description: A CONDITIONAL USE PERMIT FOR AN APICULTURE FACILITY COMPRISED OF TWO 15,000 SQ. FT. SINGLE STORY CONCRETE TILT-UP BUILDINGS FOR HONEY AND BEE PRODUCTION STORAGE LOCATED WITHIN THE RURAL LIVING DESIGNATION AND LAND USE ZONING DISTRICT; APN: 0239-311-01, -02, & -03; 3RD SUPERVISORIAL DISTRICT; PROJECT NUMBER: PROJ-2022-00024.

Notice of Opportunity to Consult: In accordance with Section 21080.3.1(d) of the PRC, you have 30 days from the receipt of this letter to request consultation in writing for this project. Please send written request to:

ATTN: Irene Romero, Planner
San Bernardino County
Land Use Services Department - Planning Division
15900 Smoke Tree St. Suite 131
Hesperia, CA 92345

You may obtain more information about the project or request consultation by contacting the Planner directly at 909-601-4726 or via email at Irene.Romero@lus.sbcounty.gov. In your request, please reference the project name and number as indicated above.

If we do not receive a request within 30 days of your receipt of this letter, we will proceed forward in the CEQA review process without consultation.

Irene Romero, Planner

County of San Bernardino
Land Use Services Department - Planning Division
15900 Smoke Tree St. Suite 131
Hesperia, CA 92345

