
From: Sarah Brunzell <Sarah.Brunzell@tataviam-nsn.us>

Sent: Wednesday, September 6, 2023 3:46 PM

To: Edwin, Shannon <sedwin@cityoflancasterca.gov>

Cc: THCP <thcp@tataviam-nsn.us>

Subject: Re: AB 52 Consultation- Conditional Use Permit No. 23-014, Site Plan Review No. 23-010 and Tentative Parcel Map No. 084233

Hi Shannon,

It was a pleasure meeting you today. Thank you for taking the time to engage in government-to-government consultation.

As discussed, the proposed project location is in close proximity to prehistoric settlements and a temporary campsite. It is also located near the SR 138 (during our consultation, I mentioned the 14 freeway, this was my mistake due to the fact the 14 turns into the 138. The 138 is still constructed over a NA trail) which was constructed over a prehistoric Native American trail used for traditional lifeways. It is likely ancestors residing in the nearby settlements and the temporary camp transected the project site to get to the prehistoric trail. Although the proposed project has been subject to some disturbance, the disturbance was undocumented and the site is underlain with native soil.

Due the confidential conditions stated above, the CRM Division of the FTBMI request the following Mitigation Measures be included under Tribal Cultural Resources in the proposed project's Mitigated Negative Declaration/Conditions of Approval:

MM 301-2.3.5 Full Time Monitoring, Multiple Monitors, Simultaneous Activities

The project applicant shall retain a professional Tribal Monitor procured by the Fernandeano Tataviam Band of Mission Indians to observe all ground-disturbing activities including, but not limited to, clearing, grubbing, grading, excavating, digging, trenching, plowing, drilling, tunneling, quarrying, leveling, driving posts, auguring, blasting, stripping topsoil or similar activity. One Tribal Monitor shall be assigned to each simultaneously occurring ground-disturbing activity. Tribal Monitoring Services will continue until confirmation is received from the project applicant, in writing, that all scheduled activities pertaining to Tribal Monitoring are complete. If the Project's scheduled activities require the Tribal Monitor(s) to leave the Project for a period of time and return, confirmation shall be submitted to the Tribe by Client, in writing, upon completion of each set of scheduled activities and 5 days' notice (if possible) shall be submitted to the Tribe by project applicant, in writing, prior to the start of each set of scheduled activities. If cultural resources are encountered, the Tribal Monitor will have the authority to request that ground-disturbing activities cease within 60 feet of discovery and a qualified archaeologist meeting Secretary of Interior standards retained by the project applicant as well as the Tribal Monitor shall assess the find.

MM 300-2.4.2 Disposition and Treatment of Inadvertent Discoveries

The Lead Agency and/or applicant shall, in good faith, consult with the FTBMI on the disposition and treatment of any Tribal Cultural Resource encountered during all ground disturbing activities.

MM 300-2.5.2 In the Event of Inadvertent Discovery, Human Remains

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 shall be enforced for the duration of the Project.

Inadvertent discoveries of human remains and/or funerary object(s) are subject to California State Health and Safety Code Section 7050.5, and the subsequent disposition of those discoveries shall be decided by the Most Likely Descendant (MLD), as determined by the Native American Heritage Commission (NAHC), should those findings be determined as Native American in origin.

Please provide a final copy of the project measures so that the FTBMI may review the included language. Once the included language is reviewed, the FTBMI will either approve and provide communication confirming the consultation pursuant to CEQA is concluded, or one of the following will be requested; modification or revision of project measures, follow up consultation. An unanticipated discovery of cultural resources during project implementation could also trigger a follow up consultation. If you have any questions with regard to this matter, please do not hesitate to contact me.

I appreciate your time and look forward to further updates on this Project.

Kind Regards,

Please submit all proposed Projects via our Mandatory Digital Project Intake Form:

<https://www.tataviam-nsn.us/project-intake/>

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Sarah Brunzell

Manager

Cultural Resources Management Division
Tribal Historic and Cultural Preservation Department

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From: Jamie Nord <Jamie.Nord@sanmanuel-nsn.gov>

Sent: Friday, August 25, 2023 3:51 PM

To: Edwin, Shannon <sedwin@cityoflancafterca.gov>

Subject: RE: AB 52 Tribal Consultation for CUP No. 23-014, SPR No. 23-010, and TPM No. 084233, Lancaster, CA

You don't often get email from jamie.nord@sanmanuel-nsn.gov. [Learn why this is important](#)

Hello Shannon Edwin,

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 18th, 2023, 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 an archaeologist meeting the Secretary of Interior's professional qualification standards in archaeology 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 CUL-1, of any pre-contact 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.

Sincerely
Jamie Nord
Tribal Archaeologist