

**APPENDIX H**  
**Tribal Consultation AB 52**

APPENDIX H-1

Native American Commission Letter

**NATIVE AMERICAN HERITAGE COMMISSION**

June 15, 2023

Brehn Erskine  
Archaeological Resource ServiceVia Email to: [rkolog46@aol.com](mailto:rkolog46@aol.com)**Re: ARS Project 23-024, Sonoma County**

Dear Ms. Erskine:

A record search of the Native American Heritage Commission (NAHC) Sacred Lands File (SLF) was completed for the information you have submitted for the above referenced project. The results were negative. However, the absence of specific site information in the SLF does not indicate the absence of cultural resources in any project area. Other sources of cultural resources should also be contacted for information regarding known and recorded sites.

Attached is a list of Native American tribes who may also have knowledge of cultural resources in the project area. This list should provide a starting place in locating areas of potential adverse impact within the proposed project area. I suggest you contact all of those indicated; if they cannot supply information, they might recommend others with specific knowledge. By contacting all those listed, your organization will be better able to respond to claims of failure to consult with the appropriate tribe. If a response has not been received within two weeks of notification, the Commission requests that you follow-up with a telephone call or email to ensure that the project information has been received.

If you receive notification of change of addresses and phone numbers from tribes, please notify me. With your assistance, we can assure that our lists contain current information.

If you have any questions or need additional information, please contact me at my email address: [Cameron.vela@nahc.ca.gov](mailto:Cameron.vela@nahc.ca.gov).

Sincerely,

*Cameron Vela*Cameron Vela  
Cultural Resources Analyst  
AttachmentACTING CHAIRPERSON  
**Reginald Pagaling**  
ChumashSECRETARY  
**Sara Dutschke**  
MiwokCOMMISSIONER  
**Isaac Bojorquez**  
Ohlone-CostanoanCOMMISSIONER  
**Buffy McQuillen**  
Yokayo Pomo, Yuki,  
NomlakiCOMMISSIONER  
**Wayne Nelson**  
LuiseñoCOMMISSIONER  
**Stanley Rodriguez**  
KumeyaayCOMMISSIONER  
**Vacant**COMMISSIONER  
**Vacant**COMMISSIONER  
**Vacant**EXECUTIVE SECRETARY  
**Raymond C.  
Hitchcock**  
Miwok, Nisenan**NAHC HEADQUARTERS**  
1550 Harbor Boulevard  
Suite 100  
West Sacramento,  
California 95691  
(916) 373-3710  
[nahc@nahc.ca.gov](mailto:nahc@nahc.ca.gov)  
[NAHC.ca.gov](http://NAHC.ca.gov)

**Native American Heritage Commission  
Native American Contact List  
Sonoma County  
6/15/2023**

***Federated Indians of Graton  
Rancheria***

Greg Sarris, Chairperson  
6400 Redwood Drive, Ste 300      Coast Miwok  
Rohnert Park, CA, 94928      Pomo  
Phone: (707) 566 - 2288  
Fax: (707) 566-2291  
gbuvelot@gratonrancheria.com

***Federated Indians of Graton  
Rancheria***

Gene Buvelot,  
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***Guidiville Indian Rancheria***

Donald Duncan, Chairperson  
P.O. Box 339      Pomo  
Talmage, CA, 95481  
Phone: (707) 462 - 3682  
Fax: (707) 462-9183  
admin@guidiville.net

***Mishewal-Wappo Tribe of  
Alexander Valley***

Scott Gabaldon, Chairperson  
2275 Silk Road      Wappo  
Windsor, CA, 95492  
Phone: (707) 494 - 9159  
scottg@mishewalwappotribe.com

***Pinoleville Pomo Nation***

Erica Carson, Tribal Historic  
Preservation Officer  
500 B Pinoleville Drive      Pomo  
Ukiah, CA, 95482  
Phone: (707) 463 - 1454  
Fax: (707) 463-6601

***Pinoleville Pomo Nation***

Leona Williams, Chairperson  
500 B Pinoleville Drive      Pomo  
Ukiah, CA, 95482  
Phone: (707) 463 - 1454  
Fax: (707) 463-6601

This list is current only as of the date of this document. Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resource Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources assessment for the proposed ARS Project 23-024, Sonoma County.

APPENDIX H-2

Formal Consultation Request



Submitted via electronic e-mail: [jgates@sonomacity.org](mailto:jgates@sonomacity.org)

September 20, 2023

RE: Formal Request for Tribal Consultation Pursuant to the California Environmental Quality Act (CEQA), Public Resources Code section 21080.3.1, subs. (b), (d) and (e) for *Montaldo Apartments Project located at 19320 Sonoma Highway 12, Sonoma.*

Dear Agency Representative:

This letter constitutes a formal request for tribal consultation under the provisions of the California Environmental Quality Act (CEQA) (Public Resources Code section 21080.3.1 subdivisions (b), (d) and (e) for the mitigation of potential project impacts to tribal cultural resources for a project within the Federated Indians of Graton Rancheria's ancestral lands.

Receiving this letter sets forth the Tribe's formal request for consultation on the following topics checked below, which shall be included in consultation if requested (Public Resources Code section 21080.3.2, subd. (a)):

- Alternatives to the project
- Recommended mitigation measures
- Significant effects of the project

The Tribe also requests consultation on the following discretionary topics checked below (Public Resources Code section 21080.3.2, subd. (a)):

- Type of environmental review necessary
- Significance of tribal cultural resources, including any regulations, policies or standards used by your agency to determine significance of tribal cultural resources
- Significance of the project's impacts on tribal cultural resources
- Project alternatives and/or appropriate measures for preservation or mitigation that we may recommend, including, but not limited to:

- (1) Avoidance and preservation of the resources in place, pursuant to Public Resources Code section 21084.3, including, but not limited to, planning and construction to avoid the resources and protect the cultural and natural context, or planning greenspace, parks or other open space, to incorporate the resources with culturally appropriate protection and management criteria;
- (2) Treating the resources with culturally appropriate dignity taking into account the tribal cultural values and meaning of the resources, including but not limited to the following:
  - a. Protecting the cultural character and integrity of the resource;



- b. Protection the traditional use of the resource; and
  - c. Protecting the confidentiality of the resource.
- (3) 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.
- (4) Protecting the resource.

Additionally, the Tribe would like to receive any cultural resources assessments or other assessments that have been completed on all or part of the project's potential "area of project effect" (APE), including, but not limited to:

- (1) The results of any record search(es) conducted at an archaeological information center of the California Historical Resources Information System (CHRIS), including, but not limited to:
- (a) Any known cultural resources that have already been recorded on or adjacent to the potential APE;
  - (b) Whether the probability is low, moderate or high that cultural resources are located in the potential APE; and
  - (c) If a survey is required to determine whether previously unrecorded cultural resources are present in the potential APE.
- (2) The results of any archaeological inventory survey that was conducted of all or part of the potential APE, including, but not limited to:
- (a) Any report that may contain site forms, site significance, and suggested mitigation measures.
- (3) The results of any Sacred Lands File searches conducted through the Native American Heritage Commission for all or part of the potential APE;
- (4) Any ethnographic studies conducted for any area including all or part of the potential APE;
- (5) Any geotechnical reports regarding all or part of the potential APE; and
- (6) The administrative drafts of all environmental documents.


We would like to remind your agency that CEQA Guidelines section 15126.4, subdivision (b)(3) states that preservation in place is the preferred manner of mitigating impacts to archaeological sites. Section 15126.4, subd. (b)(3) of the CEQA Guidelines has been interpreted by the California Court of Appeal to mean that "feasible preservation in place must be adopted to mitigate impacts to historical resources of an archaeological nature unless the lead agency determines that another form of mitigation is available and provides superior mitigation of impacts." *Madera Oversight Coalition v. County of Madera* (2011) 199 Cal.App.4th 48,



disapproved on other grounds, *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal.4th 439.

The Tribe would like to begin consultation within 30 days of your receipt of this letter. Please contact my office at (707) 566-2288 or by email at [bmcquillen@gratonrancheria.com](mailto:bmcquillen@gratonrancheria.com) as the person who will serve as the lead contact on behalf of the Tribe.

Sincerely,

  
Buffy McQuillen, THPO/NAGPRA  
Federated Indians of Graton Rancheria