

APPENDIX J

AB 52 and SB 18 Tribal Correspondence

NATIVE AMERICAN HERITAGE COMMISSION

Environmental and Cultural Department
1650 Harbor Blvd., Suite 100
West Sacramento, CA 95691
(916) 373-3710



August 20, 2018

Bud Kopp
City of Rancho Mirage

Sent by e-mail: budk@ranchomirageca.gov

RE: Section 31 Specific Plan, Riverside County

Dear Mr. Kopp,

Attached is a consultation list of tribes with traditional lands or cultural places located within the boundaries of the above referenced project. The NAHC recommends contacting all the tribes on the list as a "best practice" for consultation.

Government Code §65352.3 requires local governments to consult with California Native American tribes identified by the Native American Heritage Commission (NAHC) for the purpose of avoiding, protecting, and/or mitigating impacts to cultural places in creating or amending general plans, including specific plans, and open space.

In accordance with Public Resources Code Section 21080.3.1(d), formal notification must include a brief description of the proposed project and its location, the lead agency contact information, and a notification that the California Native American tribe has 30 days to request consultation. As of July 1, 2015, Public Resources Code Sections 21080.3.1 and 21080.3.2 require public agencies to consult with California Native American tribes identified by the NAHC for the purpose mitigating impacts to tribal cultural resources:

Within 14 days of determining that an application for a project is complete or a decision by a public agency to undertake a project, the lead agency shall provide formal notification to the designated contact of, or a tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, which shall be accomplished by means of at least one written notification that includes a brief description of the proposed project and its location, the lead agency contact information, and a notification that the California Native American tribe has 30 days to request consultation pursuant to this section. (Public Resources Code Section 21080.3.1(d))

The law **does not preclude** agencies from initiating consultation with the tribes that are culturally and traditionally affiliated with their jurisdictions. The NAHC believes that in fact that this is the best practice to ensure that tribes are consulted commensurate with the intent of the law.

The NAHC requests that lead agencies include in their notifications information regarding any cultural resources assessment that has been completed on a potential "area of project affect" (APE), such as:

1. The results of any record search that may have been conducted at an Information Center of the California Historical Resources Information System (CHRIS), including, but not limited to:

- A listing of any and all known cultural resources have already been recorded on or adjacent to the APE;
 - Copies of any and all cultural resource records and study reports that may have been provided by the Information Center as part of the records search response;
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
 - Whether the records search indicates a low, moderate or high probability that unrecorded cultural resources are located in the potential APE; and
 - If a survey is recommended by the Information Center to determine whether previously unrecorded cultural resources are present.
2. The results of any archaeological inventory survey that was conducted, including:
- Any report that may contain site forms, site significance, and suggested mitigation measures.
- 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 in accordance with Government Code Section 6254.10.
3. The results of any Sacred Lands File (SFL) check conducted through Native American Heritage Commission. The request form can be found at <http://nahc.ca.gov/wp-content/uploads/2015/04/Sacred-Lands-File-NA-Contact-Form.pdf>.
4. Any ethnographic studies conducted for any area including all or part of the potential APE; and
5. Any geotechnical reports regarding all or part of the potential APE.

Lead agencies should be aware that records maintained by the NAHC and CHRIS is not exhaustive, and a negative response to these searches does not preclude the existence of a cultural place. A tribe may be the only source of information regarding the existence of a tribal cultural resource.

This information will aid tribes in determining whether to request formal consultation. In the case that they do, having the information beforehand will help to facilitate the consultation process. It will also provide documentation of your compliance with state statutes in preparing your environmental documents.

Lead agencies or agencies potentially undertaking a project are encouraged to send more than one written notice to tribes that are traditionally and culturally affiliated to a potential APE during the 30-day notification period to ensure that the information has been received.

If you receive notification of change of addresses and phone numbers from tribes, please notify me. With your assistance we are able to assure that our consultation list contains current information.

If you have any questions, please contact me at my email address: frank.lienert@nahc.ca.gov.

Sincerely,



Frank Lienert
Associate Governmental Program Analyst

**Native American Heritage Commission
Tribal Consultation List
August 20, 2018**

Cabazon Band of Mission Indians
Doug Welmas. Chairperson
84-245 Indio Springs Parkway . Cahuilla
Indio , CA 92203
(760) 342-2593

Twentv-Nine Palms Band of Mission Indians
Darrell Mike. Chairperson
46-200 Harrison Place
Coachella , CA 92236 Chemehuevi
29chairman@29palmsbomi-nsn.gov
(760) 863-2444

Los Covotes Band of Cahuilla and Cupeno Indians
Shane Chapparosa. Chairman
P.O. Box 189 Cahuilla
Warner Springs , CA 92086-01
Chapparosa@msn.com
(760) 782-0711

Chemehuevi Indian Tribe
Charles F. Wood. Chairperson
P.O. Box 1976 Chemehuevi
Havasu Lake , CA 92363
chairman@cit-nsn.gov
(760) 858-4219

Pala Band of Mission Indians
Shasta Gaughen, PhD, THPO
PMB 50. 35008 Pala Temecula Rd. Luiseno
Pala , CA 92059 Cupeno
sgaughen@palatribe.com
(760) 891-3515

Fort Moiave Indian Tribe
Timothy Williams. Chairperson
500 Merriman Ave Mojave
Needles , CA 92363
(760) 629-4591

Pauma Band of Luiseno Indians
Temet Aquilar. Chairperson
P.O. Box 369 Luiseno
Pauma Valley , CA 92061
(760) 742-1289, Ext. 303

Juaneno Band of Mission Indians Acjachemen Nation
Matias Belardes. Chairperson
32161 Avenida Los Amigos Juaneno
San Juan Capistrano , CA 92675
kaamalam@gmail.com
(949) 444-4340 (Cell)

Ramona Band of Cahuilla
Joseph Hamilton. Chairman
P.O. Box 391670 Cahuilla
Anza , CA 92539
admin@ramonatribe.com
(951) 763-4105

Colorado River Indian Tribes of the Colorado River Indian Reservation
Dennis Patch. Chairman
26600 Mojave Road Mojave
Parker , AZ 85344 Chemehuevi
crit.museum@yahoo.com
(928) 669-9211 Tribal Office
(928) 669-8970 ext 21

This list is current only as of the date of this document and is based on the information available to the Commission on the date it was produced.

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 Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable only for consultation with Native American tribes under Public Resources Code Sections 210080.1, 21080.3.1 and 21080.3.2.

Section 31 Specific Plan, Riverside County

**Native American Heritage Commission
Tribal Consultation List
August 20, 2018**

Quechan Tribe of the Fort Yuma Indian Reservation
Michael Jackson, Sr., President
P.O. Box 1899
Yuma, AZ 85366
aitores@quechantribe.com
(760) 572-0213

Quechan

Juaneno Band of Mission Indians Acjachemen Nation
Teresa Romero, Chairwoman
31411-A La Matanza Street
San Juan Capistrano, CA 92675
tromero@juaneno.com
(949) 488-3484
(530) 354-5876 Cell

Juaneno

Gabrielino/Tongva San Gabriel Band of Mission Indians
Anthony Morales, Chairperson
P.O. Box 693
San Gabriel, CA 91778
GTTribalcouncil@aol.com
(626) 483-3564 Cell

Gabrielino Tongva

San Manuel Band of Mission Indians
Lee Clauss, Director-CRM Dept.
26569 Community Center Drive
Highland, CA 92346
lclauss@sanmanuel-nsn.gov
(909) 864-8933

Serrano

Santa Rosa Band of Cahuilla Indians
Steven Estrada, Chairman
P.O. Box 391820
Anza, CA 92539
(951) 659-2700

Cahuilla

Rincon Band of Luiseño Indians
Bo Mazzetti, Chairperson
1 West Tribal Road
Vallev Center, CA 92082
bomazzetti@aol.com
(760) 749-1051

Luiseno

Augustine Band of Cahuilla Indians
Amanda Vance, Chairperson
P.O. Box 846
Coachella, CA 92236
(760) 398-4722
(760) 369-7161 Fax

Cahuilla

San Luis Rey Band of Mission Indians
Tribal Council
1889 Sunset Drive
Vista, CA 92081
cimojado@slrmissionindians.org
(760) 724-8505

Luiseno

Gabrielino /Tongva Nation
Sandonne Goad, Chairperson
106 1/2 Judge John Aiso St., #231
Los Angeles, CA 90012
sgoad@gabrielino-tongva.com
(951) 807-0479

Gabrielino Tongva

Aqua Caliente Band of Cahuilla Indians
Jeff Grubbe, Chairperson
5401 Dinah Shore Drive
Palm Springs, CA 92264
(760) 699-6800

Cahuilla

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Section 31 Specific Plan, Riverside County

**Native American Heritage Commission
Tribal Consultation List
August 20, 2018**

Moronco Band of Mission Indians
Robert Martin, Chairperson
12700 Pumarra Road Cahuilla
Banning , CA 92220 Serrano
(951) 849-8807
(951) 755-5200

Juaneño Band of Mission Indians
Sonia Johnston, Tribal Chairperson
P.O. Box 25628
Santa Ana , CA 92799 .Juaneno
sonia.johnston@sbcglobal.net

Pechanga Band of Luiseño Indians
Mark Macarro, Chairman
P.O. Box 1477 Luiseno
Temecula , CA 92593
epreston@pechanga-nsn.gov
(951) 770-6000

Cahuilla Band of Indians
Daniel Salgado, Chairperson
52701 U. S. Highway 371 Cahuilla
Anza , CA 92539
Chairman@cahuilla.net
(951) 763-5549

La Jolla Band of Luiseno Indians
Thomas Rodriquez, Chairperson
22000 Highway 76 Luiseno
Pauma Vallev , CA 92061
(760) 742-3771

Juaneno Band of Mission Indians Acjachemen Nation
Jovce Perrv, Tribal Manager
4955 Paseo Seavovia Juaneno
Irvine , CA 92612
kaamalam@gmail.com
(949) 293-8522

Serrano Nation of Mission Indians
Goldie Walker, Chairperson
P.O. Box 343 Serrano
Patton , CA 92369
(909) 528-9027
(909) 528-9032

Soboba Band of Luiseno Indians
Joseph Ontiveros, Cultural Resource Department
P.O. BOX 487 Luiseno
San Jacinto , CA 92581 Cahuilla
iontiveros@soboba-nsn.gov
(951) 663-5279
(951) 654-5544, ext 4137

Aqua Caliente Band of Cahuilla Indians
Patricia Garcia-Plotkin, Director, THPO
5401 Dinah Shore Drive Cahuilla
Palm Springs , CA 92264
ACBCI-THPO@aguacaliente.net
(760) 699-6907
(760) 567-3761 Cell

Gabrieleno Band of Mission Indians - Kizh Nation
Andrew Salas, Chairperson
P.O. Box 393
Covina , CA 91723
admin@gabrielenoindians.org Gabrielino
(626) 926-4131

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Section 31 Specific Plan, Riverside County

**Native American Heritage Commission
Tribal Consultation List
August 20, 2018**

Twenty-Nine Palms Band of Mission Indians
Anthony Madriacal, Jr. THPO
46-200 Harrison Place
Coachella, CA 92236 Chemehuevi
amadriacal@29palmsbomi-nsn.
(760) 775-3259
(760) 625-7872 Cell

Pala Band of Mission Indians
Robert H. Smith, Chairperson
12196 Pala Mission Road Luiseno
Pala, CA 92059 Cupeno
rsmith@palatribe.com
(760) 891-3500

Torres-Martinez Desert Cahuilla Indians
Michael Mirelez, Cultural Resource Coordinator
P.O. Box 1160 Cahuilla
Thermal, CA 92274
mmirelez@tmdci.org
(760) 399-0022, Ext. 1213

San Manuel Band of Mission Indians
Lynn Valbuena
26569 Community Center Dr.
Highland, CA 92346 Serrano
(909) 864-8933

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Section 31 Specific Plan, Riverside County

Tony Locacciato

From: Jessica Mauck <JMauck@sanmanuel-nsn.gov>
Sent: Tuesday, August 28, 2018 4:11 PM
To: Bud Kopp, AICP
Subject: Section 31 Specific Plan

Hi Bud,

Thank you for contacting the San Manuel Band of Mission Indians (SMBMI) regarding the above referenced project. SMBMI appreciates the opportunity to review the project documentation, which was received by our Cultural Resources Management Department on 28 August 2018. The proposed project area is located outside of Serrano ancestral territory and, as such, SMBMI will not request consulting party status or elect to participate in the scoping, development, and/or review of documents created pursuant to these legal and regulatory mandates.

Regards,

Jessica Mauck

CULTURAL RESOURCES ANALYST

O: (909) 864-8933 x3249

M: (909) 725-9054

26569 Community Center Drive Highland California 92346



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03-008-2018-004

September 14, 2018

[VIA EMAIL TO: budk@ranchomirageca.gov]
City of Rancho Mirage
Mr. Bud Kopp
69-825 Highway 111
Rancho Mirage, CA 92270

Re: AB 52/ SB 18- Section 31 Specific Plan/ Eagle Development

Dear Mr. Bud Kopp,

The Agua Caliente Band of Cahuilla Indians (ACBCI) appreciates your efforts to include the Tribal Historic Preservation Office (THPO) in the Section 31 Specific Plan/Eagle Development project. The project area is not located within the boundaries of the ACBCI Reservation. However, it is within the Tribe's Traditional Use Area. A records check of the ACBCI registry identified previous surveys in the area that were positive for the presence of cultural resources. In consultation, the ACBCI THPO requests the following:

- *Formal government to government consultation under California Senate Bill 18
- *Formal government to government consultation under California Assembly Bill No. 52 (AB-52).
- *A copy of the records search with associated survey reports and site records from the information center.
- *A cultural resources inventory of the project area by a qualified archaeologist prior to any development activities in this area.
- *Copies of any cultural resource documentation (report and site records) generated in connection with this project.
- *This letter does not conclude consultation. Upon receipt of requested materials the ACBCI THPO may have additional recommendations or require further mitigation measures.

Again, the Agua Caliente appreciates your interest in our cultural heritage. If you have questions or require additional information, please call me at (760)699-6829. You may also email me at ACBCI-THPO@aguacaliente.net.

Cordially,

Katie Craft

AGUA CALIENTE BAND OF CAHUILLA INDIANS



Katie Croft
Cultural Resources Manager
Tribal Historic Preservation Office
AGUA CALIENTE BAND
OF CAHUILLA INDIANS



AUGUSTINE BAND OF CAHUILLA INDIANS

PO Box 846 84-481 Avenue 54 Coachella CA 92236

Telephone: (760) 398-4722

Fax (760) 369-7161

Tribal Chairperson: Amanda Vance

Tribal Vice-Chairperson: William Vance

Tribal Secretary: Victoria Martin

COUNTY RECEIVED
DEVELOPMENT DEPT.
18 SEP 19 PM 1:58

September 13, 2018

Bud Kopp
City of Rancho Mirage
69-825 Highway 111
Rancho Mirage, CA 92270

Re: Project Notification Pursuant to Assembly Bill 52 and Senate Bill 18 for the Section 31 Specific Plan in the City of Rancho Mirage, County of Riverside, California

Dear Mr. Kopp –

Thank you for the opportunity to offer input concerning the development of the above-identified project. We appreciate your sensitivity to the cultural resources that may be impacted by your project, and the importance of these cultural resources to the Native American peoples that have occupied the land surrounding the area of your project for thousands of years. Unfortunately, increased development and lack of sensitivity to cultural resources has resulted in many significant cultural resources being destroyed or substantially altered and impacted. Your invitation to consult on this project is greatly appreciated.

At this time we are unaware of specific cultural resources that may be affected by the proposed project. We encourage you to contact other Native American Tribes and individuals within the immediate vicinity of the project site that may have specific information concerning cultural resources that may be located in the area. We also encourage you to contract with a monitor who is qualified in Native American cultural resources identification and who is able to be present on-site full-time during the pre-construction and construction phase of the project. Please notify us immediately should you discover any cultural resources during the development of this project.

Very truly yours,

A handwritten signature in blue ink that reads "Victoria Martin".

Victoria Martin
Tribal Secretary



TWENTY-NINE PALMS BAND OF MISSION INDIANS

46-200 Harrison Place . Coachella, California . 92236 . Ph. 760.863.2444 . Fax: 760.863.2449

October 3, 2018

Bud Kopp, AICP
Planning manager
City of Rancho Mirage
69-825 Highway 111
Rancho Mirage, CA 92270

RE: Project Notification Pursuant to Assembly Bill (AB) 52 and Senate Bill (SB) 18 for the Section 31 Specific Plan in the City of Rancho Mirage, Country of Riverside, California

Dear Mr. Kopp,

This letter is in regards to consultation in compliance with AB 52 (California Public Resources Code § 21080.3.1) and Senate Bill 18 (California Government Code § 65352.3), for the Section 31 Specific Plan in the City of Rancho Mirage. This project proposes the development of a mix of a resort, hotel residential, and commercial uses around a recreation lagoon. The Tribal Historic Preservation Office is not aware of any additional cultural resources, Tribal Cultural Resources, as defined California Public Resources Code § 21074 (a) (1) (A)-(B), or any Cultural Places (PRC SB 5097.9 and 5097.993) in the project area that pertain to the Twenty-Nine Palms Band of Mission Indians (Tribe). However, it is in an undeveloped area adjacent to the Tribe's Traditional Use Area. Additionally, from a review of historic aerials and topographic maps there has been no evident development in the project area.

The THPO requests to review any cultural reports related to this project. Further recommendations will be issued after a review of these documents is conducted. If the cultural reports or no other response is given within the 30-day time frame stipulated in California Public Resources Code § 21080.3.1, the Tribe automatically elects to be a consulting party under the California Environmental Quality Act (CEQA).

The Tribe and THPO look forward to working with the City of Rancho Mirage on this project. If you have any questions, please do not hesitate to contact the Tribal Historic Preservation Office at (760) 775-3259 or by email: TNPConsultation@29palmsbomi-nsn.gov.

Sincerely,



Anthony Madrigal, Jr.
Tribal Historic Preservation Officer

cc: Darrell Mike, Twenty-Nine Palms Tribal Chairman
Sarah Bliss, Twenty-Nine Palms Cultural Resources Manager

**PALA TRIBAL HISTORIC
PRESERVATION OFFICE**

PMB 50, 35008 Pala Temecula Road
Pala, CA 92059
760-891-3510 Office | 760-742-3189 Fax



October 10, 2018

Bud Kopp
City of Rancho Mirage
69-825 Highway 111
Rancho Mirage, CA 92270

Re: AB-52 Consultation; Section 31 Specific Plan

Dear Mr. Kopp:

The Pala Band of Mission Indians Tribal Historic Preservation Office has received your notification of the project referenced above. This letter constitutes our response on behalf of Robert Smith, Tribal Chairman.

We have consulted our maps and determined that the project as described is not within the boundaries of the recognized Pala Indian Reservation. The project is also beyond the boundaries of the territory that the tribe considers its Traditional Use Area (TUA). Therefore, we decline AB-52 consultation at this time, but do not waive our right to request consultation under other applicable laws in the future. At this point we defer to the wishes of Tribes in closer proximity to the project area.

We appreciate involvement with your initiative and look forward to working with you on future efforts. If you have questions or need additional information, please do not hesitate to contact Alexis Wallick by telephone at 760-891-3537 or by e-mail at awallick@palatribe.com.

Sincerely,



Shasta C. Gaughen, PhD
Tribal Historic Preservation Officer
Pala Band of Mission Indians