

Appendix 4

Tribal Consultation

NATIVE AMERICAN HERITAGE COMMISSION

**Cultural and Environmental Department
1550 Harbor Blvd., Suite 100
West Sacramento, CA 95691
Phone (916) 373-3710**



August 8, 2018

Anita Gutierrez
Los Angeles County
320 West Temple Street
Los Angeles, CA 90012

Also sent via e-mail: smmnortharea@planning.lacounty.gov

RE: SCH# 2018071065, Santa Monica Mountains North Area Plan and CSD Update Project, Cities of Calabasas, Agoura Hills, and Los Angeles; Los Angeles County, California

Dear Ms. Gutierrez:

The Native American Heritage Commission has received the Notice of Preparation (NOP) for Draft Environmental Impact Report for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code § 21000 et seq.), specifically Public Resources Code section 21084.1, states that a project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, § 15064.5 (b) (CEQA Guidelines Section 15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an environmental impact report (EIR) shall be prepared. (Pub. Resources Code § 21080 (d); Cal. Code Regs., tit. 14, § 15064 subd. (a)(1) (CEQA Guidelines § 15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources with the area of project effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, “tribal cultural resources” (Pub. Resources Code § 21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment (Pub. Resources Code § 21084.2). Please reference California Natural Resources Agency (2016) “Final Text for tribal cultural resources update to Appendix G: Environmental Checklist Form,” <http://resources.ca.gov/ceqa/docs/ab52/Clean-final-AB-52-App-G-text-Submitted.pdf>. Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code § 21084.3 (a)). **AB 52 applies to any project for which a notice of preparation or a notice of negative declaration or mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. § 800 et seq.) may also apply.

The NAHC recommends **lead agencies consult with all California Native American tribes** that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments. **Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.**

AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a **lead agency** shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:
 - a. A brief description of the project.
 - b. The lead agency contact information.
 - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code § 21080.3.1 (d)).
 - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code § 21073).
2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A **lead agency** shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code § 21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or environmental impact report. (Pub. Resources Code § 21080.3.1(b)).
 - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code § 65352.4 (SB 18). (Pub. Resources Code § 21080.3.1 (b)).
3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
 - a. Alternatives to the project.
 - b. Recommended mitigation measures.
 - c. Significant effects. (Pub. Resources Code § 21080.3.2 (a)).
4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:
 - a. Type of environmental review necessary.
 - b. Significance of the tribal cultural resources.
 - c. Significance of the project's impacts on tribal cultural resources.
 - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code § 21080.3.2 (a)).
5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code sections 6254 (r) and 6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code § 21082.3 (c)(1)).
6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
 - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
 - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code section 21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code § 21082.3 (b)).

7. Conclusion of Consultation: Consultation with a tribe shall be considered concluded when either of the following occurs:
- The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code § 21080.3.2 (b)).
8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code section 21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code section 21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code § 21082.3 (a)).
9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code section 21084.3 (b). (Pub. Resources Code § 21082.3 (e)).
10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:
- Avoidance and preservation of the resources in place, including, but not limited to:
 - Planning and construction to avoid the resources and protect the cultural and natural context.
 - Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - Protecting the cultural character and integrity of the resource.
 - Protecting the traditional use of the resource.
 - Protecting the confidentiality of the resource.
 - 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.
 - Protecting the resource. (Pub. Resource Code § 21084.3 (b)).
 - Please note that a federally recognized California Native American tribe or a nonfederally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code § 815.3 (c)).
 - Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code § 5097.991).
11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An environmental impact report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
- The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code sections 21080.3.1 and 21080.3.2 and concluded pursuant to Public Resources Code section 21080.3.2.
 - The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - The lead agency provided notice of the project to the tribe in compliance with Public Resources Code section 21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code § 21082.3 (d)).

This process should be documented in the Cultural Resources section of your environmental document.

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires **local governments** to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code § 65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf

Some of SB 18's provisions include:

1. **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code § 65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation.** There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code section 65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code sections 5097.9 and 5097.993 that are within the city's or county's jurisdiction. (Gov. Code § 65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation:** Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have been already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. 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.

- Please contact me if you need any additional information at gayle.totton@nahc.ca.gov.

Gayle Totton

cc: State Clearinghouse

NATIVE AMERICAN HERITAGE COMMISSION
Cultural and Environmental Department
1550 Harbor Blvd., Suite 100 West Sacramento, CA 95691 Phone: (916) 373-3710
Email: nahc@nahc.ca.gov
Website: <http://www.nahc.ca.gov>
Twitter: @CA_NAHC



October 29, 2018

A. Gutierrez

County of Los Angeles

VIA Email to: agutierrez@planning.lacounty.gov

RE: Santa Monica Mountains North Area Plan and Community Standards District, Los Angeles County.

Dear Mr./Ms. Gutierrez:

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 positive. Please contact the Gabrielino-Tongva Tribe on the attached list for more information. 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 are able to assure that our lists contain current information. If you have any questions or need additional information, please contact me at my email address: katy.sanchez@nahc.ca.gov.

Sincerely,

A handwritten signature in blue ink that reads "Katy Sanchez".

Katy Sanchez
Associate Environmental Planner

Attachment

Appendix 4-1

SB 18 Tribal Consultation



Los Angeles County Department of Regional Planning

Planning for the Challenges Ahead



Amy J. Bodek, AICP
Director of Regional Planning

Dennis Slavin
Chief Deputy Director,
Regional Planning

October 3, 2019

Barbareno/Ventureno Band of Mission Indians
Julie Lynn Tumamait-Stenslie, Chair
365 North Poli Ave.
Ojai, CA 93023

**SUBJECT: SENATE BILL (SB) 18 CONSULTATION (GOVERNMENT CODE §65352.3)
PROJECT NO. 2017-003501-(3)
PLAN NO. RPPL2017005966 / RPPL2017005967
SANTA MONICA MOUNTAINS NORTH AREA UPDATE AND
COMMUNITY STANDARDS DISTRICT UPDATE**

The Los Angeles County ("County") Department of Regional Planning ("Department") is issuing this courtesy letter as notification of the proposed project described below. Pursuant to Government Code section 65352.3, the proposed project is subject to the SB-18 Tribal Consultation requirements because a General Plan amendment is required.

The Native American Heritage Commission ("NAHC") has identified your tribe as one with traditional lands or cultural places located within the proposed boundary of the above-referenced project. However, a Sacred Lands File Search conducted by the NAHC **did not** find the presence of Native American cultural resource sites associated with your tribe within the project area. Should your tribe have information yielding confirmed Native American cultural resource sites associated with your tribe within the proposed project boundary, please contact the lead agency.

Project Description

The County is proposing comprehensive updates to the policies of the Santa Monica Mountains North Area Plan ("SMMNAP") and to development standards in the Santa Monica Mountains North Area Community Standards District ("CSD"). The SMMNAP is a component of the County's General Plan with focused objectives and policies for the Santa Monica Mountains North Area. The CSD implements the policies of the SMMNAP and includes development standards that are specific to the Santa Monica Mountains North Area. The updates are proposed to address concerns that have developed since the adoption of the SMMNAP in 2000, to strengthen existing environmental resources

SB 18 Courtesy Notice

October 3, 2019

Page 2

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Project Location

The proposed project boundary is located north of the Santa Monica Mountains Coastal Zone boundary, west of the City of Los Angeles, and south of the cities of Westlake Village, Agoura Hills, and Calabasas. The Santa Monica Mountains North Area also contains unincorporated land north of the 101 freeway between the cities of Agoura Hills and Calabasas and between Calabasas and Hidden Hills. A map depicting the proposed project boundary is enclosed for your reference.

Lead Agency Contact:

Luis Duran
Coastal Permits Section
Department of Regional Planning
320 W. Temple Street, 13th Floor
Los Angeles, CA 90012
Tel: (213) 974-6465
Email: LDuran@planning.lacounty.gov

Sincerely,

AMY J. BODEK, AICP
Director of Regional Planning



Luis Duran, Regional Planner
Coastal Permits Section

Encl: Map of Project Boundary

AB:RG:TH:LD



Los Angeles County Department of Regional Planning

Planning for the Challenges Ahead



Amy J. Bodek, AICP
Director of Regional Planning

Dennis Slavin
Chief Deputy Director,
Regional Planning

October 3, 2019

Barbareno/Ventureno Band of Mission Indians
Patrick Tumamait
922 El Camino Corto
Ojai, CA 93023

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Los Angeles County Department of Regional Planning

Planning for the Challenges Ahead



Amy J. Bodek, AICP
Director of Regional Planning

Dennis Slavin
Chief Deputy Director,
Regional Planning

October 3, 2019

Barbareno/Ventureno Band of Mission Indians
Eleanor Arrellanes
P.O. Box 5687
Ventura, CA 93005

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Barbareno/Ventureno Band of Mission Indians
Raudel Joe Banuelos, Jr.
331 Mira Flores Court
Camarillo, CA 93012

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Fernandeno Tataviam Band of Mission Indians
Beverly Folkes
1019 Second St., Suite 1
San Fernando, CA 91340

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Los Angeles, CA 90012
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Email: LDuran@planning.lacounty.gov

Sincerely,

AMY J. BODEK, AICP
Director of Regional Planning



Luis Duran, Regional Planner
Coastal Permits Section

Encl: Map of Project Boundary

AB:RG:TH:LD



Los Angeles County Department of Regional Planning

Planning for the Challenges Ahead



Amy J. Bodek, AICP
Director of Regional Planning

Dennis Slavin
Chief Deputy Director,
Regional Planning

October 3, 2019

Gabrieleno Band of Mission Indians – Kizh Nation
Andrew Salas, Chairperson
P.O. Box 393
Covina, CA 91723

**SUBJECT: SENATE BILL (SB) 18 CONSULTATION (GOVERNMENT CODE §65352.3)
PROJECT NO. 2017-003501-(3)
PLAN NO. RPPL2017005966 / RPPL2017005967
SANTA MONICA MOUNTAINS NORTH AREA UPDATE AND
COMMUNITY STANDARDS DISTRICT UPDATE**

The Los Angeles County ("County") Department of Regional Planning ("Department") is issuing this courtesy letter as notification of the proposed project described below. Pursuant to Government Code section 65352.3, the proposed project is subject to the SB-18 Tribal Consultation requirements because a General Plan amendment is required.

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SB 18 Courtesy Notice

October 3, 2019

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Lead Agency Contact:

Luis Duran
Coastal Permits Section
Department of Regional Planning
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Los Angeles County Department of Regional Planning

Planning for the Challenges Ahead



Amy J. Bodek, AICP
Director of Regional Planning

Dennis Slavin
Chief Deputy Director,
Regional Planning

October 3, 2019

Owl Clan
Dr. Kote & Lin A-Lul'Koy Lotah
48825 Sapaque Road
Bradley, CA 93426

**SUBJECT: SENATE BILL (SB) 18 CONSULTATION (GOVERNMENT CODE §65352.3)
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Los Angeles County Department of Regional Planning

Planning for the Challenges Ahead



Amy J. Bodek, AICP
Director of Regional Planning

Dennis Slavin
Chief Deputy Director,
Regional Planning

October 3, 2019

Owl Clan
Qun-tan Shup
48825 Sapaque Road
Bradley, CA 93426

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Los Angeles County Department of Regional Planning

Planning for the Challenges Ahead



Amy J. Bodek, AICP
Director of Regional Planning

Dennis Slavin
Chief Deputy Director,
Regional Planning

October 3, 2019

San Luis Obispo County Chumash Council
Chief Mark Steve Vigil
1030 Ritchie Road
Grover Beach, CA 93433

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Luis Duran, Regional Planner
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Los Angeles County Department of Regional Planning

Planning for the Challenges Ahead



Amy J. Bodek, AICP
Director of Regional Planning

Dennis Slavin
Chief Deputy Director,
Regional Planning

October 3, 2019

Santa Ynez Band of Chumash Indians
Kenneth Kahn, Chairperson
P.O. Box 517
Santa Ynez, CA 93460

**SUBJECT: SENATE BILL (SB) 18 CONSULTATION (GOVERNMENT CODE §65352.3)
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Director of Regional Planning



Luis Duran, Regional Planner
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Los Angeles County Department of Regional Planning

Planning for the Challenges Ahead



Amy J. Bodek, AICP
Director of Regional Planning

Dennis Slavin
Chief Deputy Director,
Regional Planning

October 3, 2019

Santa Ynez Band of Chumash Indians
Tribal Admin/Counsel Sam Cohen
P.O. Box 517
Santa Ynez, CA 93460

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Luis Duran, Regional Planner
Coastal Permits Section

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Los Angeles County Department of Regional Planning

Planning for the Challenges Ahead



Amy J. Bodek, AICP
Director of Regional Planning

Dennis Slavin
Chief Deputy Director,
Regional Planning

October 3, 2019

Santa Ynez Tribal Elders Council
Antonia Flores, Chairperson
P.O. Box 365
Santa Ynez, CA 93460

**SUBJECT: SENATE BILL (SB) 18 CONSULTATION (GOVERNMENT CODE §65352.3)
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Amy J. Bodek, AICP
Director of Regional Planning

Dennis Slavin
Chief Deputy Director,
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October 3, 2019

Santa Ynez Tribal Elders Council
Freddie Romero, Cultural Resources Coordinator
P.O. Box 365
Santa Ynez, CA 93460

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Los Angeles County Department of Regional Planning

Planning for the Challenges Ahead



Amy J. Bodek, AICP
Director of Regional Planning

Dennis Slavin
Chief Deputy Director,
Regional Planning

October 7, 2019

Gabrieleno/Tongva San Gabriel Band of Mission Indians
Anthony Morales, Chairperson
P.O. Box 693
San Gabriel, CA 91778

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320 West Temple Street • Los Angeles, CA 90012 • 213-974-6411 • TDD: 213-617-2292

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Planning for the Challenges Ahead



Amy J. Bodek, AICP
Director of Regional Planning

Dennis Slavin
Chief Deputy Director,
Regional Planning

October 7, 2019

Gabrielino/Tongva Nation
Sandonne Goad, Chairperson
106 ½ Judge John Aiso St., #231
Los Angeles, CA 90012

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The proposed project boundary is located north of the Santa Monica Mountains Coastal Zone boundary, west of the City of Los Angeles, and south of the cities of Westlake Village, Agoura Hills, and Calabasas. The Santa Monica Mountains North Area also contains unincorporated land north of the 101 freeway between the cities of Agoura Hills and Calabasas and between Calabasas and Hidden Hills. A map depicting the proposed project boundary is enclosed for your reference.

Lead Agency Contact:

Luis Duran
Coastal Permits Section
Department of Regional Planning
320 W. Temple Street, 13th Floor
Los Angeles, CA 90012
Tel: (213) 974-6465
Email: LDuran@planning.lacounty.gov

Sincerely,

AMY J. BODEK, AICP
Director of Regional Planning



Luis Duran, Regional Planner
Coastal Permits Section

Encl: Map of Project Boundary

AB:RG:TH:LD



Los Angeles County Department of Regional Planning

Planning for the Challenges Ahead



Amy J. Bodek, AICP
Director of Regional Planning

Dennis Slavin
Chief Deputy Director,
Regional Planning

October 7, 2019

Gabrielino Tongva Indians of California Tribal Council
Robert F. Dorame, Chairman
P.O. Box 490
Bellflower, CA 90707

**SUBJECT: SENATE BILL (SB) 18 CONSULTATION (GOVERNMENT CODE §65352.3)
PROJECT NO. 2017-003501-(3)
PLAN NO. RPPL2017005966 / RPPL2017005967
SANTA MONICA MOUNTAINS NORTH AREA UPDATE AND
COMMUNITY STANDARDS DISTRICT UPDATE**

The Los Angeles County ("County") Department of Regional Planning ("Department") is issuing this courtesy letter as notification of the proposed project described below. Pursuant to Government Code section 65352.3, the proposed project is subject to the SB-18 Tribal Consultation requirements because a General Plan amendment is required.

The Native American Heritage Commission ("NAHC") has identified your tribe as one with traditional lands or cultural places located within the proposed boundary of the above-referenced project. However, a Sacred Lands File Search conducted by the NAHC **did not** find the presence of Native American cultural resource sites associated with your tribe within the project area. Should your tribe have information yielding confirmed Native American cultural resource sites associated with your tribe within the proposed project boundary, please contact the lead agency.

Project Description

The County is proposing comprehensive updates to the policies of the Santa Monica Mountains North Area Plan ("SMMNAP") and to development standards in the Santa Monica Mountains North Area Community Standards District ("CSD"). The SMMNAP is a component of the County's General Plan with focused objectives and policies for the Santa Monica Mountains North Area. The CSD implements the policies of the SMMNAP and includes development standards that are specific to the Santa Monica Mountains North Area. The updates are proposed to address concerns that have developed since the adoption of the SMMNAP in 2000, to strengthen existing environmental resources

320 West Temple Street • Los Angeles, CA 90012 • 213-974-6411 • TDD: 213-617-2292



@LACDRP | planning.lacounty.gov

SB 18 Courtesy Notice

October 3, 2019

Page 2

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Sincerely,

AMY J. BODEK, AICP
Director of Regional Planning



Luis Duran, Regional Planner
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Encl: Map of Project Boundary

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Los Angeles County Department of Regional Planning

Planning for the Challenges Ahead



Amy J. Bodek, AICP
Director of Regional Planning

Dennis Slavin
Chief Deputy Director,
Regional Planning

October 7, 2019

Gabrielino-Tongva Tribe
Charles Alvarez, Councilmember
23454 Vanowen St.
West Hills, CA 91307

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Page 2

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AMY J. BODEK, AICP
Director of Regional Planning



Luis Duran, Regional Planner
Coastal Permits Section

Encl: Map of Project Boundary

AB:RG:TH:LD



Los Angeles County Department of Regional Planning

Planning for the Challenges Ahead



Amy J. Bodek, AICP
Director of Regional Planning

Dennis Slavin
Chief Deputy Director,
Regional Planning

October 7, 2019

Gabrielino-Tongva Tribe
Linda Candelaria, Chairperson
80839 Camino Santa Juliana
Indio, CA 92203

**SUBJECT: SENATE BILL (SB) 18 CONSULTATION (GOVERNMENT CODE §65352.3)
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Luis Duran
Coastal Permits Section
Department of Regional Planning
320 W. Temple Street, 13th Floor
Los Angeles, CA 90012
Tel: (213) 974-6465
Email: LDuran@planning.lacounty.gov

Sincerely,

AMY J. BODEK, AICP
Director of Regional Planning



Luis Duran, Regional Planner
Coastal Permits Section

Encl: Map of Project Boundary

AB:RG:TH:LD

Appendix 4-2

AB 52 Tribal Consultation

Luis Duran

From: Jairo Avila <jairo.avila@tataviam-nsn.us>
Sent: Monday, November 26, 2018 4:30 PM
To: Alyssa Netto
Cc: Anita Gutierrez; Luis Duran
Subject: Re: FTBMI Consultation on SMMNAP and CSD

Hello Alyssa,

Thank you for updating the language on policy-108/109.

Given the sensitivity of the area, the THCP department would review and consult on all projects that require ground disturbing activities within the project area. THCP would also like to request that the applicant be required to consult with the FTBMI and other Tribes as part of the CUP process. I would appreciate if you can provide a copy of the SMMNAP and CSD once complete.

This communication concludes FTBMI'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 future project implementation. I appreciate your time and look forward to future updates.

Thank you,
Jairo Avila

On Tue, Nov 20, 2018 at 9:16 AM Alyssa Netto <ANetto@planning.lacounty.gov> wrote:

Hello Jairo,

Thank you for your comments.

We have updated the language on policy CO-108 to reference SCCIC and NAHC instead of SCIC and UCLA. The policy now reads:

CO-108: The County should coordinate with appropriate agencies, South Central Coastal Information Center (SCCIC), Native American Heritage Commission, and local Native American tribes, to identify archaeologically-sensitive areas. Such information should be kept confidential to protect archaeological resources.

The CSD does have a requirement for a conditional use permit (CUP) for grading in excess of 500 cubic yards. We can include a requirement that the applicant must consult with FTBMI and other tribes as part of that CUP process.

Does FTBMI have any other comments regarding the scope of the project or additional mitigation measures to be included in the Environmental Document as part of our consultation under AB 52?

Thank you,

ALYSSA NETTO, AICP

Regional Planner

Community Studies West

Los Angeles County Department of Regional Planning

320 W. Temple St, 13th Floor, Los Angeles, CA 90012

(213) 974-0307

From: Jairo Avila [mailto:jairo.avila@tataviam-nsn.us]

Sent: Thursday, October 25, 2018 10:10 AM

To: Anita Gutierrez <agutierrez@planning.lacounty.gov>

Cc: Alyssa Netto <ANetto@planning.lacounty.gov>; Luis Duran <LDuran@planning.lacounty.gov>

Subject: Re: FTBMI Consultation on SMMNAP and CSD

Hello Anita,

Thank you for the opportunity to review the CSD draft and SMMNAP draft, provided on October 3 2018. The Tribal Historic and Cultural Preservation (THCP) department of the Fernandeño Tataviam Band of Mission Indians (FTBMI) would like to consult once projects requiring ground disturbing activities are proposed within the project area. As previously mentioned, the FTBMI considers the project area to be highly sensitive for Native American resources and therefore, would like to provide comments and recommendations prior to any ground disturbance. The FTBMI would like to assure that all cultural materials on the surface and subsurface (if any), and any inadvertent discoveries, are properly documented, salvaged, and protected.

In review of the SMMNAP draft, the THCP Department would like to request for the following Goal/Policy under Archaeological, Paleontologist, and Historical Cultural Resource to be revised.

The SCIC and UCLA Archaeological Center have a limited ability to provide such information. The County should primarily coordinate with the South Central Coastal Information Center (SCCIC), Native American Heritage Commission (NAHC Sacred Lands File), and local Native American Tribes. The SCCIC is continuously updated with cultural resource reports and location information of culturally sensitive areas.

Please provide the final copy of the project plan conditions so that THCP may review the included language. If you have any further questions, please feel free to contact me.

Respectfully,

Jairo Avila

On Wed, Aug 29, 2018 at 11:12 AM, Anita Gutierrez <agutierrez@planning.lacounty.gov> wrote:

Ok, sounds good.

We will add you to our project e-mail list so you will be notified when the Plan and CSD are released. I'm copying Alyssa Netto and Luis Duran on our project team as well so they are aware.

We will be in touch soon.

Thank you,

Anita D. Gutierrez, MPL, AICP | Supervising Regional Planner

Community Studies West Section

Los Angeles County Department of Regional Planning
[320 W. Temple Street, 13th Floor | Los Angeles, CA 90012](#)
Phone: 213.974.6422

From: Jairo Avila [mailto:jairo.avila@tataviam-nsn.us]
Sent: Wednesday, August 29, 2018 11:06 AM
To: Anita Gutierrez <agutierrez@planning.lacounty.gov>
Subject: Re: FTBMI Consultation on SMMNAP and CSD

Anita,

Thank you for the prompt response.

It would be best if we wait until the draft CSD and Community Plan is out. We can schedule the consultation meeting once the Tribe has a chance to review the documents.

Until then, I appreciate your time and look forward to discussing this project with you soon.

Thank you,

On Wed, Aug 29, 2018 at 10:53 AM, Anita Gutierrez <agutierrez@planning.lacounty.gov> wrote:

Hello Jairo,

We would be happy to set up a meeting. The actual draft of the CSD and Community Plan will be out in about a month. Would you like to wait until the draft is out to schedule a meeting?

Anita D. Gutierrez, MPL, AICP | Supervising Regional Planner

Community Studies West Section

Los Angeles County Department of Regional Planning
[320 W. Temple Street, 13th Floor | Los Angeles, CA 90012](#)
Phone: 213.974.6422

From: Jairo Avila [mailto:jairo.avila@tataviam-nsn.us]
Sent: Wednesday, August 29, 2018 10:35 AM
To: Anita Gutierrez <agutierrez@planning.lacounty.gov>
Subject: FTBMI Consultation on SMMNAP and CSD

Tribal Historic & Cultural Preservation Department

Project: *Santa Monica Mountains North Area Plan and Community Standards*

Address: *The Santa Monica Mountains North Area*

Hello Anita,

On behalf of the Tribal Historic and Cultural Preservation (THCP) department of the Fernandeño Tataviam Band of Mission Indians (Tribe), thank you for the formal notification and opportunity to consult on the project referenced above. The project area is located within the traditional Tataviam ancestral territory, which encompasses the lineage-villages from which members of the Tribe descend. The Tribe considers the project area to be highly sensitive for Native American resources and our records indicate the presence of various prehistoric and historic cultural resources in and around the project boundary. For these reasons, the Tribe would like to participate in consultation to address concerns related to cultural resources and discuss the objectives and policies for the Santa Monica Mountains North Area Plan and Community Standard District.

Would it be possible to schedule a meeting to discuss the proposed project? I would appreciate if you can provide me with more information on the plans before our meeting.

Thank you for your time.

Respectfully,

--

Jairo F. Avila, M.A., RPA.

Tribal Historic and Cultural Preservation Officer

Fernandeño Tataviam Band of Mission Indians

1019 Second Street, Suite 1

San Fernando, California 91340

Office: [\(818\) 837-0794](tel:8188370794)

Website: <http://www.tataviam-nsn.us>

--

Jairo F. Avila, M.A., RPA.

Tribal Historic and Cultural Preservation Officer

Fernandeño Tataviam Band of Mission Indians

1019 Second Street, Suite 1

San Fernando, California 91340

Office: [\(818\) 837-0794](tel:8188370794)

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Los Angeles County Department of Regional Planning

Planning for the Challenges Ahead



Amy J. Bodek, AICP
Director

Dennis Slavin
Chief Deputy Director

November 26, 2018

Chief Anthony Morales
Gabrielino Tongva
Post Office Box 693
San Gabriel, CA 91778

Dear Chief Morales,

**TRIBAL CULTURAL RESOURCES UNDER THE CALIFORNIA ENVIRONMENTAL
QUALITY ACT, ASSEMBLY BILL 52 (GATTO, 2014)
NOTIFICATION TO CLOSE CONSULTATION OF THE PROPOSED PROJECT
PURSUANT TO PUBLIC RESOURCES CODE §21080.3.1**

On July 24, 2018, the Los Angeles County Department of Regional Planning mailed a letter to you requesting a Tribal Consultation pursuant to Assembly Bill (AB) 52. As of November 20, 2018, we have not received a confirmation or request to begin the Tribal Consultation. Therefore, we will be concluding the AB-52 process.

Proposed Project: Santa Monica Mountains North Area Plan and
Community Standards District Update
Plan Nos. RPPL2017005966 & RPPL2017005967

If you would like further information, please contact me at (213) 974-6465 or
lduran@planning.lacounty.gov.

Sincerely,

Luis Duran, Regional Planner
Coastal Permits Section

LD:ems



Los Angeles County Department of Regional Planning

Planning for the Challenges Ahead



Amy J. Bodek, AICP
Director

Dennis Slavin
Chief Deputy Director

June 3, 2019

Andrew Salas, Chairman
Gabrieleño Band of Mission Indians – Kizh Nation
Post Office Box 393
Covina, CA 91723

Dear Mr. Salas,

**TRIBAL CULTURAL RESOURCES UNDER THE CALIFORNIA ENVIRONMENTAL
QUALITY ACT, ASSEMBLY BILL 52 (GATTO, 2014)
NOTIFICATION TO CLOSE CONSULTATION OF THE PROPOSED PROJECT
PURSUANT TO PUBLIC RESOURCES CODE §21080.3.1**

Proposed Project: Santa Monica Mountains North Area Plan and
Community Standards District Update
Plan Nos. RPPL2017005966 & RPPL2017005967

On September 13, 2018, staff from the Los Angeles County Department of Regional Planning (Department) participated in a Tribal Consultation requested by Andrew Salas and Matthew Teutimez pursuant to Assembly Bill (AB) 52.

The Department's presentation focused on the purpose, goals and timeline of the Department's Santa Monica Mountains North Area Plan (SMMNAP) and Community Standards District (CSD) Update. Mr. Salas and Mr. Teutimez requested that language on the history of the Gabrieleño Band of Mission Indians – Kizh Nation (Tribe) in the project area be included. It was agreed that the Tribe would provide specific draft language. On September 19, 2018, Mr. Salas provided a broader overview of information on the history of the Gabrieleño people beyond the scope of the project area. Specific draft language on the Tribe's history in the project area was not received.

On March 14, 2019, Mr. Salas e-mailed a further document titled "Protection of Tribal Cultural Resources". These measures appear to be geared more toward discretionary, site-specific project reviews. The SMMNAP Update is a general update of goals, policies and development standards for the project area. These types of measures would not be applicable.

Mr. Andrew Salas
March 13, 2019
Page 2

Please be advised that if specific draft language as discussed in our consultation on September 13, 2018, is not received within 7 business days of receipt of this letter, we will deem the consultation concluded and consider the matter closed. If you have any questions or need further information, please feel free to contact me at (213) 974-0051 or SMMNorthArea@planning.lacounty.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Luis Duran", with a long horizontal flourish extending to the right.

Luis Duran, Regional Planner
Coastal Permits Section

LD:ems



Los Angeles County Department of Regional Planning

Planning for the Challenges Ahead



Amy J. Bodek, AICP
Director of Regional Planning

Dennis Slavin
Chief Deputy Director,
Regional Planning

October 3, 2019

Freddie Romero
Santa Ynez Tribal Elders Council
P.O. Box 365
Santa Ynez, CA 93460

SUBJECT: COURTESY NOTIFICATION OF PROPOSED PROJECT

The Los Angeles County ("County") Department of Regional Planning ("Department") is issuing this courtesy letter as a follow-up to a phone call between Mr. Freddie Romero and Luis Duran on September 25, 2019. The Department has completed Assembly Bill (AB) 52 consultation, but believes the proposed project described below would be of interest to your tribe. As of the date of this letter, the Santa Ynez Chumash Tribal Elders Council has not formally requested to be included on our list of notifications under AB 52. To be included in future consultations under AB 52, please see the instructions at the end of this letter.

Below please find a description of the proposed project, a map showing the project boundary, and our contact information. The proposed project draft documents are posted on our project webpage: www.planning.lacounty.gov/smmnap.

Proposed Project: Santa Monica Mountains North Area Plan and Community Standards District Update
Project No. 2017-003501-(3)
Plan No. RPPL2017005966 & RPPL2017005967

Project Description: The County is proposing comprehensive updates to the policies of the Santa Monica Mountains North Area Plan ("SMMNAP") and to development standards in the Santa Monica Mountains North Area Community Standards District ("CSD"). The SMMNAP is a component of the County's General Plan with focused objectives and policies for the Santa Monica Mountains North Area. The CSD implements the policies of the SMMNAP and includes development standards that are specific to the Santa Monica Mountains North Area. The updates are proposed to address concerns that have developed since the adoption of the SMMNAP in 2000, to strengthen existing

AB 52 Notification

environmental resources policies, and to identify policies and standards that continue to support the community's rural and semi-rural lifestyle. In addition, the County which is updating the SMMNAP and CSD which govern the northern half of the Santa Monica Mountains to align with many of the environmental protection policies in the recently State certified Santa Monica Mountains Local Coastal Program ("LCP") which govern the southern half of the Santa Monica Mountains.

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Lead Agency Contact Information: Luis Duran
Coastal Permits Section
Department of Regional Planning
320 W. Temple Street, 13th Floor
Los Angeles, CA 90012
Tel: (213) 974-6422
Email: LDuran@planning.lacounty.gov

Written requests for future notifications under AB 52 from our Department should include a lead contact person and, if possible, a map of the affiliated geographic area. Please send requests to:

Los Angeles County Department of Regional Planning
Attention: Patricia Hachiya
Environmental Planning and Sustainability Section
320 W. Temple Street, Room 1356
Los Angeles, CA 90012

Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,

AMY J. BODEK, AICP
Director of Regional Planning



Luis Duran, Regional Planner
Coastal Permits Section

Encl: Map of Project Boundary

AJB:RG:TH:LD

**Figure 1:
Planning Area Boundary**





Los Angeles County Department of Regional Planning

Planning for the Challenges Ahead



Amy J. Bodek, AICP
Director of Regional Planning

Dennis Slavin
Chief Deputy Director,
Regional Planning

October 3, 2019

Kenneth Kahn
Santa Ynez Band of Chumash Indians
P.O. Box 517
Santa Ynez, CA 93460

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AB 52 Notification

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Department of Regional Planning
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Tel: (213) 974-6422
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Sincerely,

AMY J. BODEK, AICP
Director of Regional Planning



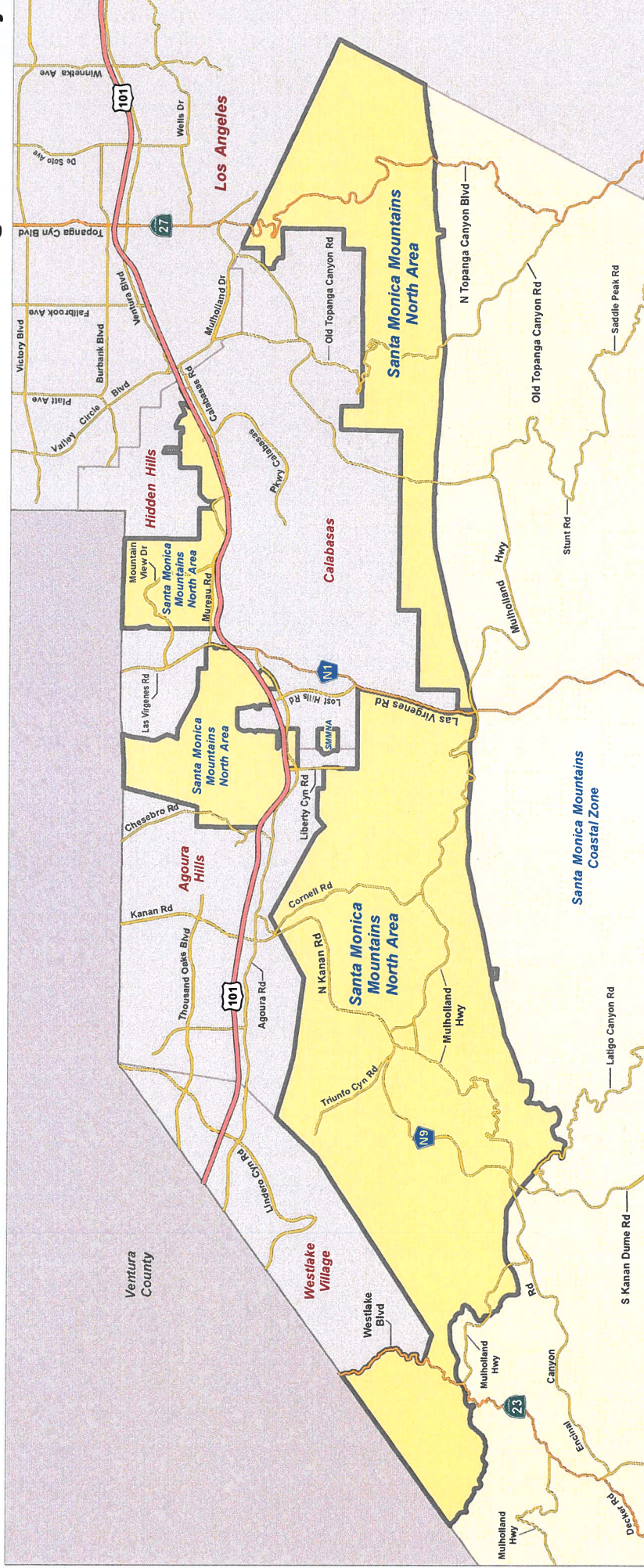
Luis Duran, Regional Planner
Coastal Permits Section

Encl: Map of Project Boundary

AJB:RG:TH:LD

Santa Monica Mountains North Area

Figure 1:
Planning Area Boundary



Santa Monica Mountains North Area (SMMNA)

Other Unincorporated Area

Incorporated City

Major Road

Highway

Freeway

LOS ANGELES COUNTY
Dept. of Regional Planning
320 W. Temple St.
Los Angeles, CA 90012

Area Mapped

Miles
0 1 2 3

Prepared by DRP GIS Section / September 2019



Los Angeles County Department of Regional Planning

Planning for the Challenges Ahead



Amy J. Bodek, AICP
Director of Regional Planning

Dennis Slavin
Chief Deputy Director,
Regional Planning

October 3, 2019

Sam Cohen
Santa Ynez Band of Chumash Indians
P.O. Box 517
Santa Ynez, CA 93460

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Project No. 2017-003501-(3)
Plan No. RPPL2017005966 & RPPL2017005967

Project Description: The County is proposing comprehensive updates to the policies of the Santa Monica Mountains North Area Plan ("SMMNAP") and to development standards in the Santa Monica Mountains North Area Community Standards District ("CSD"). The SMMNAP is a component of the County's General Plan with focused objectives and policies for the Santa Monica Mountains North Area. The CSD implements the policies of the SMMNAP and includes development standards that are specific to the Santa Monica Mountains North Area. The updates are proposed to address concerns that have developed since the adoption of the SMMNAP in 2000, to strengthen existing

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environmental resources policies, and to identify policies and standards that continue to support the community's rural and semi-rural lifestyle. In addition, the County which is updating the SMMNAP and CSD which govern the northern half of the Santa Monica Mountains to align with many of the environmental protection policies in the recently State certified Santa Monica Mountains Local Coastal Program ("LCP") which govern the southern half of the Santa Monica Mountains.

Project Location: The proposed project boundary is located north of the Santa Monica Mountains Coastal Zone boundary, west of the City of Los Angeles, and south of the cities of Westlake Village, Agoura Hills, and Calabasas. The Santa Monica Mountains North Area also contains unincorporated land north of the 101 freeway between the cities of Agoura Hills and Calabasas and between Calabasas and Hidden Hills. A map depicting the proposed project boundary is enclosed for your reference.

Lead Agency Contact Information: Luis Duran
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Written requests for future notifications under AB 52 from our Department should include a lead contact person and, if possible, a map of the affiliated geographic area. Please send requests to:

Los Angeles County Department of Regional Planning
Attention: Patricia Hachiya
Environmental Planning and Sustainability Section
320 W. Temple Street, Room 1356
Los Angeles, CA 90012

Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,

AMY J. BODEK, AICP
Director of Regional Planning



Luis Duran, Regional Planner
Coastal Permits Section

Encl: Map of Project Boundary

AJB:RG:TH:LD

Santa Monica Mountains North Area

Figure 1:
Planning Area Boundary

