Appendices

Appendix J: Tribal Consultation Correspondence

Appendices

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STATE OF CALIFORNIA Gavin Newsom, Governor

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

June 4, 2019

Jessica Magana City of Brea

VIA Email to: jessicam@ci.brea.ca.us

RE: Native American Consultation, Pursuant to Senate Bill 18 (SB18), Government Codes §65352.3 and §65352.4, as well as Assembly Bill 52 (AB52), Public Resources Codes §21080.1, §21080.3.1 and §21080.3.2, Brea Mall Redevelopment Project, Orange County

Dear Ms. Magana:

Attached is a consultation list of tribes with traditional lands or cultural places located within the boundaries of the above referenced counties or projects.

Government Codes §65352.3 and §65352.4 require 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 when creating or amending General Plans, Specific Plans and Community Plans.

Public Resources Codes §21080.3.1 and §21080.3.2 requires public agencies 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 tribal cultural resources as defined, for California Environmental Quality Act (CEQA) projects.

The law does not preclude local governments and agencies from initiating consultation with the tribes that are culturally and traditionally affiliated within your jurisdiction. The NAHC believes that this is the best practice to ensure that tribes are consulted commensurate with the intent of the law.

Best practice for the AB52 process and in accordance with Public Resources Code §21080.3.1(d), is to do the following:

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.

The NAHC also recommends, but does not require that lead agencies include in their notification letters, information regarding any cultural resources assessment that has been completed on the area of potential 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, such as known archaeological sites;

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;

Whether the records search indicates a low, moderate or high probability that unrecorded

cultural resources are located in the 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 result of the Sacred Lands File (SFL) check conducted through the NAHC was negative.

4. Any ethnographic studies conducted for any area including all or part of the APE; and

5. Any geotechnical reports regarding all or part of the 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 tribal cultural resource. 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 event, that

they do, having the information beforehand well help to facilitate the consultation process.

If you receive notification of change of addresses and phone numbers from tribes, please notify the NAHC.

With your assistance, we can assure that our consultation list remains current.

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

Sincerely,

Steven Quinn

Stew Quin

Associate Governmental Program Analyst

Attachment

Native American Heritage Commission Tribal Consultation List Orange County 6/4/2019

Agua Caliente Band of Cahuilla Indians

Cahuilla

Diegueno

Diegueno

Gabrieleno

Gabrieleno

Jeff Grubbe, Chairperson 5401 Dinah Shore Drive Palm Springs, CA, 92264

Phone: (760) 699 - 6800 Fax: (760) 699-6919

Campo Band of Diegueno Mission Indians

Ralph Goff, Chairperson 36190 Church Road, Suite 1

Campo, CA, 91906 Phone: (619) 478 - 9046 Fax: (619) 478-5818 rgoff@campo-nsn.gov

Ewiiaapaayp Tribe

Robert Pinto, Chairperson 4054 Willows Road Alpine, CA, 91901

Phone: (619) 445 - 6315 Fax: (619) 445-9126 wmicklin@leaningrock.net

Ewiiaapaayp Tribe

Michael Garcia, Vice Chairperson 4054 Willows Road Diegueno Alpine, CA, 91901

Phone: (619) 445 - 6315 Fax: (619) 445-9126 michaelg@leaningrock.net

Gabrieleno Band of Mission Indians - Kizh Nation Andrew Salas, Chairperson

P.O. Box 393 Covina, CA, 91723 Phone: (626) 926 - 4131 admin@gabrielenoindians.org

Gabrieleno/Tongva San Gabriel Band of Mission Indians

Anthony Morales, Chairperson P.O. Box 693

San Gabriel, CA, 91778 Phone: (626) 483 - 3564 Fax: (626) 286-1262

Fax: (626) 286-1262 GTTribalcouncil@aol.com Gabrielino /Tongva Nation

Sandonne Goad, Chairperson 106 1/2 Judge John Aiso St.,

#231

Los Angeles, CA, 90012 Phone: (951) 807 - 0479 sgoad@gabrielino-tongva.com

Gabrielino Tongva Indians of California Tribal Council

Robert Dorame, Chairperson P.O. Box 490

Bellflower, CA, 90707 Phone: (562) 761 - 6417 Fax: (562) 761-6417 gtongva@gmail.com

Gabrielino-Tongva Tribe

Charles Alvarez, 23454 Vanowen Street West Hills, CA, 91307

Phone: (310) 403 - 6048 roadkingcharles@aol.com

Jamul Indian Village

Lisa Cumper, Tribal Historic Preservation Officer P.O. Box 612 Jamul, CA, 91935

Phone: (619) 669 - 4855 lcumper@jiv-nsn.gov

Jamul Indian Village

Erica Pinto, Chairperson P.O. Box 612 Jamul, CA, 91935

Phone: (619) 669 - 4785 Fax: (619) 669-4817 epinto@jiv-nsn.gov

Juaneno Band of Mission Indians

Sonia Johnston, Chairperson P.O. Box 25628 Santa Ana, CA, 92799

sonia.johnston@sbcglobal.net

Gabrielino

Gabrielino

Gabrielino

Diegueno

Diegueno

Juaneno

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 Government Code Sections 65352.3, 65352.4 et seq. and Public Resources Code Sections 21080.3.1 for the proposed Brea Mall Redevelopment Project, Orange County.

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Native American Heritage Commission Tribal Consultation List Orange County 6/4/2019

Juaneno Band of Mission Indians Acjachemen Nation

Matias Belardes, Chairperson 32161 Avenida Los Amigos Juaneno

San Juan Capisttrano, CA, 92675

Phone: (949) 293 - 8522 kaamalam@gmail.com

Juaneno Band of Mission Indians Acjachemen Nation -Romero

Teresa Romero, Chairperson

31411-A La Matanza Street Juaneno

Luiseno

Diegueno

Diegueno

San Juan Capistrano, CA, 92675

Phone: (949) 488 - 3484 Fax: (949) 488-3294 tromero@juaneno.com

La Jolla Band of Luiseno Indians

Fred Nelson, Chairperson 22000 Highway 76

Pauma Valley, CA, 92061

Phone: (760) 742 - 3771

La Posta Band of Diegueno Mission Indians

Javaughn Miller, Tribal

Administrator 8 Crestwood Road

Boulevard, CA, 91905

Phone: (619) 478 - 2113

Fax: (619) 478-2125 jmiller@LPtribe.net

La Posta Band of Diegueno Mission Indians

Gwendolyn Parada, Chairperson

8 Crestwood Road

Boulevard, CA, 91905

Phone: (619) 478 - 2113 Fax: (619) 478-2125 LP13boots@aol.com Manzanita Band of Kumeyaay Nation

Angela Elliott Santos, Chairperson

Diegueno

Diegueno

P.O. Box 1302

Boulevard, CA, 91905 Phone: (619) 766 - 4930

Fax: (619) 766-4957

Mesa Grande Band of Diegueno Mission Indians

Michael Linton, Chairperson

P.O Box 270

Santa Ysabel, CA, 92070 Phone: (760) 782 - 3818

Fax: (760) 782-9092 mesagrandeband@msn.com

Pala Band of Mission Indians

Robert Smith, Chairperson

35008 Pala Temecula Road Cupeno Pala, CA, 92059 Luiseno

Phone: (760) 891 - 3500

Fax: (760) 742-3189

rsmith@palatribe.com

Pauma Band of Luiseno Indians

Temet Aguilar, Chairperson

P.O. Box 369 Luiseno

Pauma Valley, CA, 92061

Phone: (760) 742 - 1289 Fax: (760) 742-3422

bennaecalac@aol.com

Pechanga Band of Luiseno Indians

Mark Macarro, Chairperson

P.O. Box 1477

Temecula, CA, 92593

Phone: (951) 770 - 6000

Fax: (951) 695-1778

epreston@pechanga-nsn.gov

Rincon Band of Luiseno Indians

Bo Mazzetti, Chairperson

One Government Center Lane

t Center Lane Luiseno

Luiseno

Valley Center, CA, 92082 Phone: (760) 749 - 1051

Fax: (760) 749-5144 bomazzetti@aol.com

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Native American Heritage Commission Tribal Consultation List Orange County 6/4/2019

Rincon Band of Luiseno Indians

Jim McPherson, Tribal Historic Preservation Officer

One Government Center Lane

Valley Center, CA, 92082 Phone: (760) 749 - 1051 Fax: (760) 749-5144 vwhipple@rincontribe.org Viejas Band of Kumeyaay Indians

Robert Welch, Chairperson 1 Viejas Grade Road Alpine, CA, 91901

Phone: (619) 445 - 3810 Fax: (619) 445-5337 Diegueno

San Luis Rey Band of Mission Indians

San Luis Rey, Tribal Council 1889 Sunset Drive

Vista, CA, 92081

Phone: (760) 724 - 8505 Fax: (760) 724-2172

cjmojado@slrmissionindians.org

San Pasqual Band of Diegueno Mission Indians

Allen Lawson, Chairperson P.O. Box 365

Valley Center, CA, 92082 Phone: (760) 749 - 3200 Fax: (760) 749-3876

allenl@sanpasqualtribe.org

Diegueno

Luiseno

Luiseno

Soboba Band of Luiseno Indians

Scott Cozart, Chairperson P. O. Box 487

San Jacinto, CA, 92583 Phone: (951) 654 - 2765

Fax: (951) 654-4198 jontiveros@soboba-nsn.gov

Cahuilla Luiseno

Sycuan Band of the Kumeyaay Nation

Cody J. Martinez, Chairperson 1 Kwaaypaay Court El Caion, CA, 92019

Phone: (619) 445 - 2613 Fax: (619) 445-1927 ssilva@sycuan-nsn.gov Kumeyaay

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GABRIELENO BAND OF MISSION INDIANS-KIZH NATION

Historically known as The San Gabriel Band of Mission Indians recognized by the State of California as the aboriginal tribe of the Los Angeles basin

Project Name: Brea Mall Mixed Use Project City of Brea, Orange County CA

Dear Jessica.

Thank you for your letter dated August 16,2019 regarding AB52 consultation. The above proposed project location is within our Ancestral Tribal Territory; therefore, our Tribal Government requests to schedule a consultation with you as the lead agency, to discuss the project and the surrounding location in further detail.

Please contact us at your earliest convenience. Please Note: AB 52, "consultation" shall have the same meaning as provided in SB 18 (Govt. Code Section 65352.4).

Thank you for your time,

Andrew Salas, Chairman

Gabrieleno Band of Mission Indians - Kizh Nation

1(844)390-0787

Andrew Salas, Chairman Albert Perez, treasurer I

Nadine Salas, Vice-Chairman Martha Gonzalez Lemos, treasurer II Dr. Christina Swindall Martinez, secretary Richard Gradias, Chairman of the council of Elders

PO Box 393 Covina, CA 91723 www.gabrielenoindians@yahoo.com

gabrielenoindians@yahoo.com

TO S PHILIP CALIFORNIA

Linda Candelaria Co-Chairwoman Gabrielino Tongva Tribe

October 6, 2019

Attention: Planning Division City of Brea

GABRIELINO-TONGVA TRIBE

A California Indian Tribe historically known as San Gabriel Band of Mission Indians

TRIBAL CULTURAL RESOURCES AB52/SECTION 106 CONSULTATION GABRIELINO TONGVA TRIB



This letter is to inform the City of Brea that the Gabrielino Tongva Tribe will be actively participating in the tribal consultation process. Our cultural resource representative will be Sam Dunlap (Email: TongvaTCR@gmail.com, Mobile: (909) 262-9351). The Gabrielino Tongva Tribe has authorized Sam Dunlap to act on our behalf in the government to government consultation process.

The Gabrielino Tongva Tribe would like to express our ongoing concerns with the AB52/Section 106 consultation process that the Gabrielino Tongva Tribe has encountered over the last few years. The Gabrielino Tongva Tribe has ancestral ties and cultural affiliation to the city's jurisdictional area. We therefore have a vested interest in the AB52 and Section 106 consultation process with the City of Brea.

The City of Brea should be aware that the State of California's Native American Heritage Commission (NAHC) maintains a list of culturally affiliated Gabrielino Tongva Tribes for your area for a reason. It has been our experience as one of the designated Gabrielino Tongva Tribes that several cities within our tribal territory have been misled into believing that one particular Gabrielino tribe has sole jurisdiction over another. This particular issue is being carried out by a recently formed (2008) tribal group that has managed to abuse the AB52 process for their own benefit.

The AB52/Section 106 consultation process enables our Tribe to have an equal opportunity in future mitigation measures that the City of Brea may implement that affect Tribal Cultural Resources (TCR's), the Tribe would prefer to see language that enables our presence on site during ground disturbance/excavation activity so that we may identify and assess the significance of any Tribal Cultural resource that may be encountered.

The Gabrielino Tongva Tribe looks forward to cooperating with the City of Brea as an equal partner in determining a rational approach to environmental compliance and establishing a fair and equal protocol for our tribal participation.

Sincerely,

Linda Candelaria Co-Chairwoman Gabrielino Tongva Tribe

Linda Candelaria, Councilwoman Jerry Maldonado, Councilman

Vincent Holguin, Councilman Charles Alvarez, Councilman Jane Hussey, Councilwoman



MEMORANDUM TO FILE PLANNING DIVISION

1 Civic Center Circle Brea, CA 92821 (714) 671.4462

TO:

FILE for Brea Mall Mixed Use Project

FROM:

Jessica Magaña, Associate Planne

DATE:

October 10, 2019

RE:

GABRIELENO BAND OF MISSION INDIANS - KIZH NATION

A conference call was conducted on October 10, 2019 at 11:00 am with Matt Teutimez and Andrew Salas of the Gabrieleno Bands of Mission Indians – Kizh Nation, with City Planning representatives Maribeth Tinio and Jessica Magaña.

Mr. Teutimez and Mr. Salas stated that the Brea area is within their ancestral territory. Regarding the project site, they inquired about development history at the Brea Mall and told us the site may have tribal culture resources because its proximity to Imperial Highway, which was a route for travel and an important trade corridor. They stated that burial sites were often along travel corridors and trade routes. They stated the desire to protect cultural resources and find artifacts which may be buried.

They indicated they would like to obtain any soil reports that may have been previously conducted for the site and would like to review future soil reports to determine the current soil conditions and potential disturbances on the site. If limited information is provided in the soil reports they would like to provide recommended mitigation language for the City to consider.

The City said that they would provide them with any soil reports on file and would work with them to review appropriate mitigation, if any. The City thanked them for the information and said we will keep the tribe updated on the project.