

# Appendix NOP

---

Notice of Preparation

**Sonoma County Housing Element Update EIR  
Notice of Preparation (NOP) and Scoping Comments**

The County of Sonoma distributed an NOP of the Program EIR for a 30-day agency and public review period (June 15, 2022 to July 15, 2022). In addition, the County held a virtual Scoping Meeting on June 28, 2022. The comments contained herein were submitted to the County during the NOP comment period for consideration in preparation of the DEIR.



## NOTICE OF PREPARATION OF PROGRAM EIR AND NOTICE OF PROGRAM EIR PUBLIC SCOPING MEETING

### Sonoma County Housing Element Update Program EIR

**Date:** June 15, 2022

**To:** State Clearinghouse, Responsible and Trustee Agencies, and Interested Parties and Organizations

**Project Title:** Sonoma County Housing Element Update

**Comment Period:** June 15, 2022 through July 15, 2022

**Scoping Meeting:** VIRTUAL, Tuesday, June 28, 2022, at 6:00 p.m. PST

**Lead Agency:** County of Sonoma

**Project Location:** Countywide (refer to Figure 1)

**Lead Agency Contact:** Eric Gage, Planner III  
County of Sonoma  
2550 Ventura Avenue  
Santa Rosa, California 95403  
[PermitSonoma-Housing@sonoma-county.org](mailto:PermitSonoma-Housing@sonoma-county.org)

The Sonoma County Permit and Resource Management Department (Permit Sonoma) is preparing an update to the Housing Element of the Sonoma County General Plan 2020 and has determined that a Program Environmental Impact Report (EIR) will be necessary to evaluate environmental impacts of the Housing Element Update. The County requests comments and guidance on the scope and content of the Program EIR from responsible and trustee agencies, interested public agencies, organizations, and the general public in compliance with the California Environmental Quality Act (CEQA; California Public Resources Code, Section 21000 et seq.), and California Code of Regulations, Title 14, Division 6, Chapter 3 (State CEQA Guidelines). The County prepared this Notice of Preparation (NOP) in accordance with CEQA Guidelines Sections 15082(a) and 15375.

This notice provides a summary of the Housing Element Update project; includes the County's preliminary identification of the potential environmental issues to be analyzed in the EIR; and provides information on how to comment on the scope of the EIR and how to participate in the Public Scoping Meeting.



**NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT  
SONOMA COUNTY HOUSING ELEMENT UPDATE**

The County invites any and all input and comments regarding the preparation of the Program EIR. If applicable, please indicate a contact person for your agency or organization. If your agency is a responsible agency as defined by CEQA Guidelines Section 15381, your agency may use the environmental documents prepared by the County when considering permits or approvals for action regarding the project.

**Public Scoping Meeting:**

The County will hold a virtual scoping meeting to provide an opportunity for agency staff and interested members of the public to submit verbal comments on the scope of the environmental issues to be addressed in the EIR. The virtual scoping meeting will be held on **Tuesday, June 28, 2022, at 6:00 p.m.**

**PST.** To join the meeting by computer or provide comment by phone, use the Zoom link or phone number on the Housing Element webpage:

<https://permitsonoma.org/regulationsandinitiatives/housing/housingelement#events>.

The scoping meeting will begin with a presentation followed by a question and answer session.

The scoping presentation will be recorded and available to view after June 30, 2022 on: <https://www.youtube.com/c/PermitSonoma/videos>.

If you have questions regarding this NOP or the scoping meeting, please contact Eric Gage at 707-565-1391 or via email at [PermitSonoma-Housing@sonoma-county.org](mailto:PermitSonoma-Housing@sonoma-county.org).

**Written Comments:** Please submit written comments within 30 days of the date of this notice by 5:00 p.m. on July 15, 2022, via email to [PermitSonoma-Housing@sonoma-county.org](mailto:PermitSonoma-Housing@sonoma-county.org) or by regular mail to Permit Sonoma, Attn: Eric Gage, 2550 Ventura Avenue, Santa Rosa, California 95403.

**Proposed Project:**

The Sonoma County Permit and Resource Management Department (Permit Sonoma) is preparing its 6<sup>th</sup> Cycle Housing Element Update, which will result in a series of zoning changes and a General Plan Amendment necessary to accommodate the County's Regional Housing Needs Allocation (RHNA). The RHNA is the number of dwelling units assigned to each jurisdiction by state and regional agencies that each city and county must plan for. The County is not responsible to construct the housing, but must identify and zone sites that can accommodate the assigned number of units for the duration of the 8-year Housing Element Cycle. For the current 5<sup>th</sup> RHNA cycle ending in 2022, the County was allocated a total of 515 units to be accommodated in its Housing Element inventory of adequate sites. The County's 6<sup>th</sup> Cycle RHNA is 3,881 dwelling units.

The Housing Element update presents a comprehensive set of housing policies and actions for the years 2023-2031 and will encompass all of unincorporated Sonoma County. The Housing Element update will be based on the County's final RHNA, which determined that the County needs to identify and zone sites for approximately 3,881 residential units, plus a buffer of some number of units to ensure ongoing compliance with the No Net Loss provisions of State housing law. The County expects to exceed the growth forecasts in General Plan 2020. Due to the anticipated increase in residents beyond current forecasts, the County has determined that a Program EIR will be the best document to comply with CEQA.

In order to accommodate as many as 3,881 new units, Sonoma County may be required to find additional sites – some in areas not previously targeted as inventory sites – as well as rezone other areas. The County



**Sonoma County Permit and Resource Management Department**  
2550 Ventura Avenue Santa Rosa CA 95403-2859 (707) 565-1900  
[www.PermitsSonoma.org](http://www.PermitsSonoma.org)



anticipates a rezoning effort targeted in designated Urban Service Areas throughout unincorporated Sonoma County and the environmental analysis will also include the proposed rezoning effort.

**Project Background:** The County of Sonoma is updating its housing element as required by State law. This process is an opportunity for the County to examine all the policies, market conditions, and other forces that contribute to an adequate supply of housing homes for everyone in the community, regardless of income.

Under California law, the housing element is one of the seven mandated elements of the general plan and must be updated on a set schedule. A housing element is required by State law (“Housing Element law”) to establish policies and programs that will support the provision of an adequate housing supply for citizens of all income levels.

The housing element typically includes:

1. **Housing Needs Assessment:** Examine demographic, employment, and housing trends and conditions that affect the housing needs of the community.
2. **Evaluation of Past Performance:** Review the prior housing element to measure progress in implementing policies and programs.
3. **Housing Sites Inventory:** Identify locations of available sites for housing development or redevelopment to ensure that there is adequate capacity to address the Regional Housing Needs Allocation.
4. **Community Outreach and Engagement:** Implement a robust community outreach and engagement program, with a particular focus on outreach to traditionally underrepresented groups.
5. **Constraints Analysis:** Analyze and recommend remedies for existing and potential governmental and nongovernmental barriers to housing development.
6. **Policies and Programs:** Establish policies and programs to fulfill the identified housing needs.

In 2020, Permit Sonoma initiated the Rezoning Sites for Housing Project, and it circulated a Draft EIR for the project in May 2021 (SCH No. 2020030351). However, following circulation of that Draft EIR, Permit Sonoma determined that due to the imminent Housing Element Update it would not move forward with rezoning the 59 sites identified as a part of this effort as a separate project and instead would incorporate rezoning of these sites as one component of the broader Housing Element update. Accordingly, the Board of Supervisors did not certify the Rezoning Sites for Housing Project Draft EIR. Just as the Housing Element Update is a different project from the Rezoning Sites project, the EIR for the Housing Element Update will be a new and distinct document. To that end, the Housing Element Update EIR will incorporate some information from the Rezoning Sites Draft EIR, as appropriate, but it will be a new and distinct document that analyzes the environmental effects of the comprehensive Housing Element Update throughout the County.

**Project Location:** Housing Element policies and programs will apply countywide, and the County boundaries are shown in Figure 1.



**Project Alternatives:** The EIR will evaluate a reasonable range of project alternatives that, consistent with CEQA, meet most of the project objectives and reduce or avoid potential environmental effects, including a required No Project Alternative.

**Next Steps:** The County will issue a Notice of Availability of a Draft EIR at that time to inform the public and interested agencies, groups, and individuals of how to access the Draft EIR and provide comments.

When the Draft EIR is completed, it will be available for review at Permit Sonoma, located at 2550 Ventura Avenue, Santa Rosa, California 95403 and online at:  
<https://permitsonoma.org/regulationsandinitiatives/housing/housingelement>.

***Potential Environmental Effects:***

The EIR will describe the reasonably foreseeable and potentially significant adverse effects of the proposed project (both direct and indirect). The EIR also will evaluate the cumulative impacts of the project when considered in conjunction with other related past, present, and reasonably foreseeable future projects. The County anticipates that the proposed project could result in potentially significant environmental impacts in the following topic areas, which will be further evaluated in the EIR.

- |                                 |                                |
|---------------------------------|--------------------------------|
| Aesthetics/Visual               | Noise                          |
| Air Quality                     | Population and Housing         |
| Biological Resources            | Public Services and Recreation |
| Cultural Resources              | Transportation                 |
| Energy                          | Tribal Cultural Resources      |
| Geology and Soils               | Utilities and Service Systems  |
| Greenhouse Gas Emissions        | Wildfire                       |
| Hazards and Hazardous Materials | Cumulative Effects             |
| Hydrology and Water Quality     | Growth Inducing Effects        |
| Land Use and Planning           |                                |

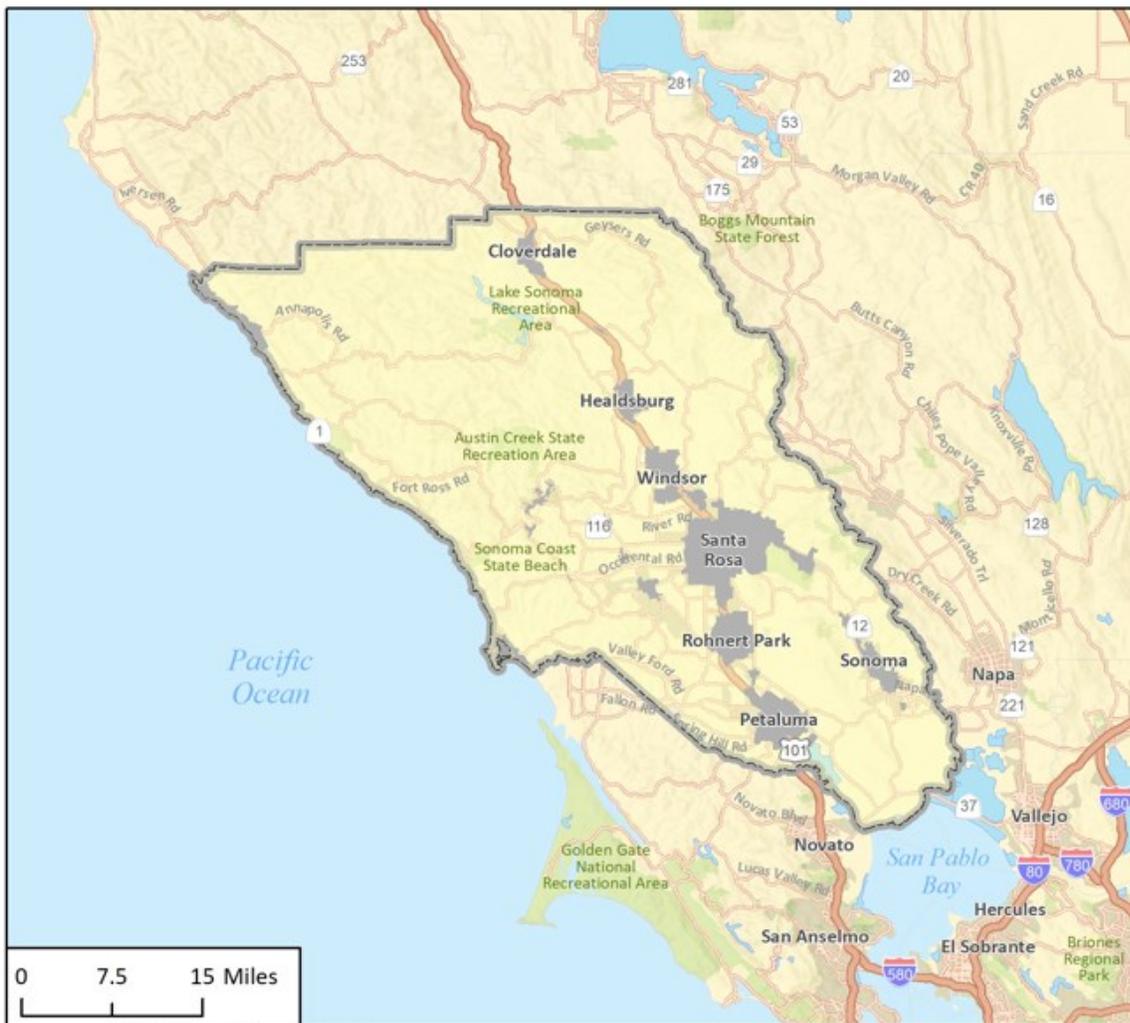
---

Eric Gage, Planner III

---

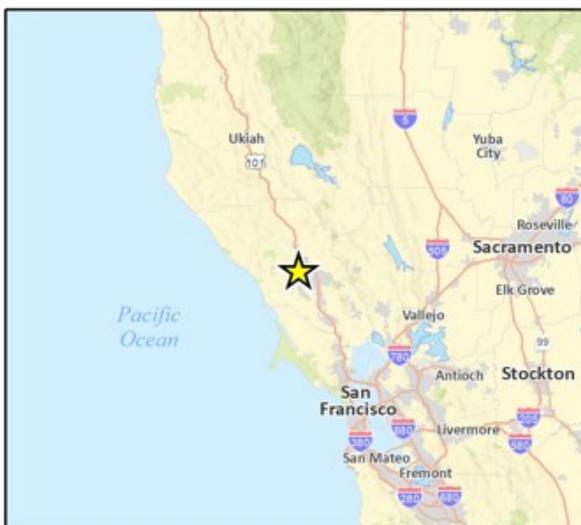
Date

Figure 1



Basemap provided by Esri and its licensors © 2022.

-  Project Location
  -  Sonoma County
  -  Incorporated Cities
- N  
↑



## California Department of Transportation

DISTRICT 4  
OFFICE OF TRANSIT AND COMMUNITY PLANNING  
P.O. BOX 23660, MS-10D | OAKLAND, CA 94623-0660  
[www.dot.ca.gov](http://www.dot.ca.gov)



July 26, 2022

SCH #: 2022060323  
GTS #: 04-SON-2022-00683  
GTS ID: 26749  
Co/Rt/Pm: SON/VAR/VAR

Eric Gage, Planner III  
County of Sonoma  
2550 Ventura Avenue  
Santa Rosa, CA 95403

### **Re: Sonoma County Housing Element Update Notice of Preparation (NOP) for Draft Environmental Impact Report (DEIR)**

Dear Eric Gage:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Sonoma County Housing Element Update Project. We are committed to ensuring that impacts to the State's multimodal transportation system and to our natural environment are identified and mitigated to support a safe, sustainable, integrated and efficient transportation system. The following comments are based on our review of the June 2022 NOP.

#### **Project Understanding**

The Sonoma County Permit and Resource Management Department (Permit Sonoma) is preparing its 6th Cycle Housing Element Update, which will result in a series of zoning changes and a General Plan Amendment necessary to accommodate the County's Regional Housing Needs Allocation (RHNA). The RHNA is the number of dwelling units assigned to each jurisdiction by state and regional agencies that each city and county must plan for. The County is not responsible to construct the housing but must identify and zone sites that can accommodate the assigned number of units for the duration of the 8-year Housing Element Cycle. For the current 5th RHNA cycle ending in 2022, the County was allocated a total of 515 units to be accommodated in its Housing Element inventory of adequate sites. The County's 6th Cycle RHNA is 3,881 dwelling units.

#### **Travel Demand Analysis**

With the enactment of Senate Bill (SB) 743, Caltrans is focused on maximizing efficient development patterns, innovative travel demand reduction strategies, and

multimodal improvements. For more information on how Caltrans assesses Transportation Impact Studies, please review Caltrans' Transportation Impact Study Guide ([link](#)). Please note that current and future land use projects proposed near and adjacent to the State Transportation Network (STN) may be assessed, in part, through the TISG.

### **Transportation Impact Fees**

We encourage a sufficient allocation of fair share contributions toward multi-modal and regional transit improvements to fully mitigate cumulative impacts to regional transportation. We also strongly support measures to increase sustainable mode shares, thereby reducing VMT. Caltrans welcomes the opportunity to work with the City and local partners to secure the funding for needed mitigation. Traffic mitigation or cooperative agreements are examples of such measures.

### **Lead Agency**

As the Lead Agency, the County of Sonoma is responsible for all project mitigation, including any needed improvements to the STN. The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures.

### **Equitable Access**

If any Caltrans facilities are impacted by the project, those facilities must meet American Disabilities Act (ADA) Standards after project completion. As well, the project must maintain bicycle and pedestrian access during construction. These access considerations support Caltrans' equity mission to provide a safe, sustainable, and equitable transportation network for all users.

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, or for future notifications and requests for review of new projects, please email [LDR-D4@dot.ca.gov](mailto:LDR-D4@dot.ca.gov).

Sincerely,



MARK LEONG  
District Branch Chief  
Local Development Review

c: State Clearinghouse



## NATIVE AMERICAN HERITAGE COMMISSION

June 16, 2022

Eric Gage  
County of Sonoma  
2550 Ventura Avenue  
Santa Rosa, CA 95403

**Re: 2022060323, Housing Element Update Project, Sonoma County**

Dear Mr. Gage:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a 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 §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, § 5064 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 within the area of potential 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). 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, a notice of negative declaration, or a 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 consultation with 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](#)

CHAIRPERSON  
**Laura Miranda**  
Luiseño

VICE CHAIRPERSON  
**Reginald Pagaling**  
Chumash

PARLIAMENTARIAN  
**Russell Attebery**  
Karuk

SECRETARY  
**Sara Dutschke**  
Miwok

COMMISSIONER  
**William Mungary**  
Paiute/White Mountain  
Apache

COMMISSIONER  
**Isaac Bojorquez**  
Ohlone-Costanoan

COMMISSIONER  
**Buffy McQuillen**  
Yokayo Pomo, Yuki,  
Nomlaki

COMMISSIONER  
**Wayne Nelson**  
Luiseño

COMMISSIONER  
**Stanley Rodriguez**  
Kumeyaay

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)

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 §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 §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:
- a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
  - b. 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 §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 §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 §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:**
- a. Avoidance and preservation of the resources in place, including, but not limited to:
    - i. Planning and construction to avoid the resources and protect the cultural and natural context.
    - ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
  - b. 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:
    - i. Protecting the cultural character and integrity of the resource.
    - ii. Protecting the traditional use of the resource.
    - iii. Protecting the confidentiality of the resource.
  - c. 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.
  - d. Protecting the resource. (Pub. Resource Code §21084.3 (b)).
  - e. Please note that a federally recognized California Native American tribe or a non-federally 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)).
  - f. 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:
- a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
  - b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
  - c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

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](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](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 §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 §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 ([https://ohp.parks.ca.gov/?page\\_id=30331](https://ohp.parks.ca.gov/?page_id=30331)) 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 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.
  - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
  - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
  - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
  
4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
  - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, §15064.5(f) (CEQA Guidelines §15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
  - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
  - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

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

cc: State Clearinghouse

---

**From:** Eric Gage <Eric.Gage@sonoma-county.org>  
**Sent:** Thursday, June 30, 2022 9:58 AM  
**To:** Eric Gage  
**Subject:** Rick Coates - HE Scoping

-----Original Message-----

From: Rick Coates <rcoates@sonic.net>  
Sent: Tuesday, June 28, 2022 2:56 PM  
To: PermitSonoma-Housing <PermitSonoma-Housing@sonoma-county.org>  
Subject: Scoping for Housing Element of GP

EXTERNAL

The EIR for the Housing Element of the General Plan should evaluate the following:

The comparative advantages of building housing near train stations versus bus stops. Specifically the comparative likelihood that residents will use transit.

The projected effect on VMT. Will it decrease VMT as required?

The projected effect on GHG emissions. This includes travel emissions and construction emissions.

Evaluate the fire potential of any location selected in light of major fire history.

Rick Coates  
707-632-6070 or rcoates@sonic.net

THIS EMAIL ORIGINATED OUTSIDE OF THE SONOMA COUNTY EMAIL SYSTEM.

Warning: If you don't know this email sender or the email is unexpected, do not click any web links, attachments, and never give out your user ID or password.