



An Employee-Owned Company

November 2, 2022

Mr. Rick España
RNT Architects
363 Fifth Avenue, Suite 202
San Diego, CA 92101

Reference: Orion Center Project Cultural Resources Records Search (Project Number EIA-15-02; RECON Number 7663)

Dear Mr. España:

This letter presents the results of the records search conducted at the California Historical Resources Information System, South Coastal Information Center (SCIC) at San Diego State University for the Orion Center Project (proposed project). The goal of the project is to construct a new operations master planned facility that would efficiently accommodate the existing and future needs of the following City of Carlsbad (City) departments and divisions: (1) Construction Management and Inspection Division; (2) Public Works Fleet and Facilities Division (Street, Storm Drain, Facilities and Fleet Maintenance); (3) Public Works Utilities Division (Water, Recycled Water, Wastewater Collection and Operations, Utilities Engineering and Asset Management); and (4) Parks and Recreation Department (Parks and Tree Maintenance). The proposed project would free up the following three existing sites in the city of Carlsbad for redevelopment: the Public Works Utilities Division at 5950 El Camino Real; the Public Works Fleet and Facilities Division at 205 Oak Avenue; and the Parks and Tree Maintenance Division of the Parks and Recreation Department at 1166 Carlsbad Village Drive. However, these three abandoned sites would remain vacated and unchanged until redevelopment were proposed and approved as separate actions independent of this project. The proposed facility would accommodate 143 staff members from these existing facilities. The new operations facility would be constructed at the intersection of Orion Street and Orion Way (Figures 1, 2, and 3).

RECON requested a records search from SCIC for the project area with a one-mile buffer. Compiled archival data includes previously recorded sites and isolates, past investigations, and historic addresses. Historic aerial photographs were also checked in order to see past development within and near the area of potential effect (APE).

RECON also sent a letter to Native American Heritage Commission in Sacramento requesting they search their files to identify spiritually significant and/or sacred sites or traditional use areas in the proposed project vicinity and to provide a list of local Native American tribes, bands, or individuals who may have concerns or interests in the cultural resources of the proposed project. A response was received on June 20, 2016 indicating that there are no traditional lands or cultural places located within the boundaries of the project area (Attachment 1).

Archival Results

The record search indicated that there have been 80 archaeological investigations conducted and 55 cultural resources discovered within a one-mile radius of the APE (Confidential Attachment 1). The cultural resources consisted of five bedrock milling sites with no artifacts; two bedrock milling sites with lithic scatters; two ceramic and lithic scatters; two ceramic, lithic, and shell scatters; two ground stone scatters; five lithic and ceramic scatters; nine lithic scatters, eleven lithic and shell scatters; seven shell scatters; four temporary camps; one roasting pit site; two prehistoric isolated artifacts; seven historic building/structures; and one multicomponent site with historic foundations and shell scatter. One site form was missing site type data. There were no historic addresses listed within the search area.

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None of the previously recorded sites are located within the APE. One site (CA-SDI-5224) is recorded immediately adjacent to the APE. CA-SDI-5224 was recorded in 1977 as a shell scatter with a few lithic artifacts. Two buildings are currently located within the boundary of this site. An excavation program was completed at CA-SDI-5224 for the City's Public Safety Center in 1983. A series of postholes and 1x1-meter units were excavated. Based on the recovery, the site was determined to be not significant (Hector 1983).

Review of historic aerial photographs confirmed that the area had been graded and disturbed in the past, beginning in 1980. The current development appears after 1980 and is visible on aerial photographs by 1990 (Nationwide Environmental Title Research 2016).

Assembly Bill 52 Consultation

The City initiated consultation with Native American tribes who are traditionally and culturally affiliated with the geographic area. The San Luis Rey Band of Mission Indians (SLR), Torres Martinez Desert Cahuilla Indians, and Rincon Band of Luiseño Indians (Rincon Band) responded. The City met with the SLR on February 10, 2016, who requested a cultural resources assessment, and mitigation measures in a letter dated June 17, 2021. The Torres Martinez Desert Cahuilla Indians did not follow up after their request for consultation letter dated May 16, 2016. The Rincon Band submitted a letter on July 15, 2021 indicating that the proposed project would have a potential to impact tribal cultural resources because the proposed project is located within a culturally sensitive area (Attachment 2).

Recommendations

According to the California Environmental Quality Act (CEQA), a significant impact is a project effect that may cause a substantial adverse change in the significance of a historical resource. Adverse changes include physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings resulting in the impairment of the resource's significance (Section 15064.5.4b, CEQA Guidelines). Mitigation measures are required for adverse effects on significant historical resources (Public Resources Code Section 21083.2).

No cultural resources have been previously recorded and the project area has been graded and disturbed for its current use. Therefore, the likelihood of encountering significant cultural resources during construction is limited; however, the results of Assembly Bill 52 consultation indicate that there is a potential to impact tribal cultural resources. Therefore, tribal cultural monitoring is recommended. A Luiseño monitor shall be present during construction related brushing, grading, and trenching in order to identify any unknown tribal cultural resources. The Luiseño monitor and a qualified archaeologist shall be invited to the preconstruction meeting with the City and contractors. If any unrecorded tribal cultural resources are discovered during construction, the monitor shall have authority to divert construction activities and notify the project archaeologist and City Project Manager to make a significance evaluation of the discovery. If the archaeologist and monitor determine the resource significant, mitigation will be developed to record and extract sufficient data to reduce the adverse impacts to the resource. If a resource is discovered, an archaeological monitoring report shall be completed. If no resources are found, tribal monitors shall submit their field logs as the final report.

If you have any questions or concerns about this project, please call me at (619) 308-9333, extension 133.

Sincerely,



Carmen Zepeda-Herman
Project Archaeologist

Attachments

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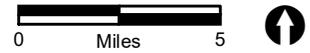
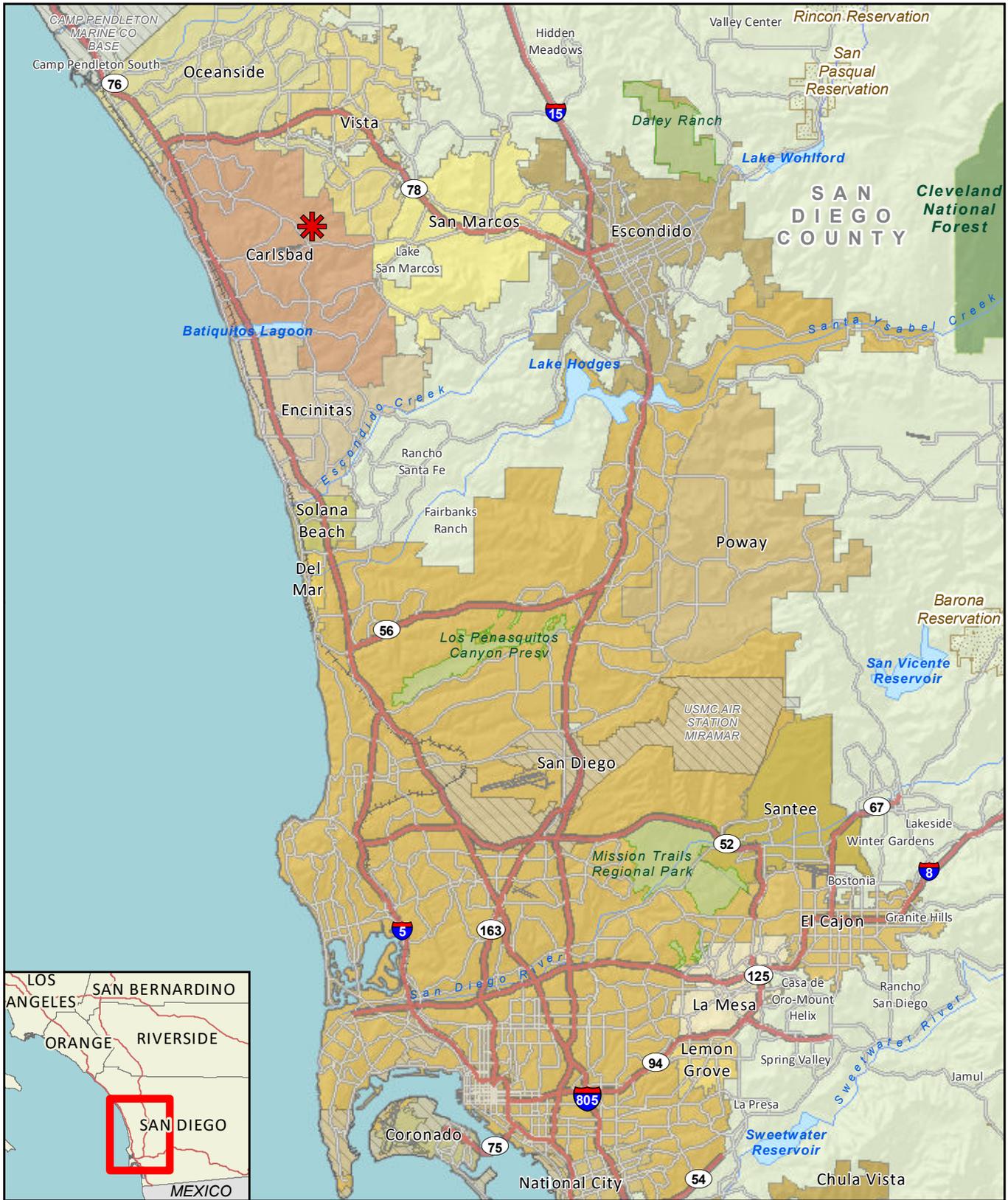
References Cited

Hector, Susan

1983 Archaeological Investigations at SDM-W-1459/SDI-5224 City Public Safety Center, Carlsbad, CA.
Unpublished report on file at RECON, San Diego.

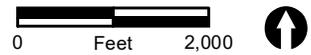
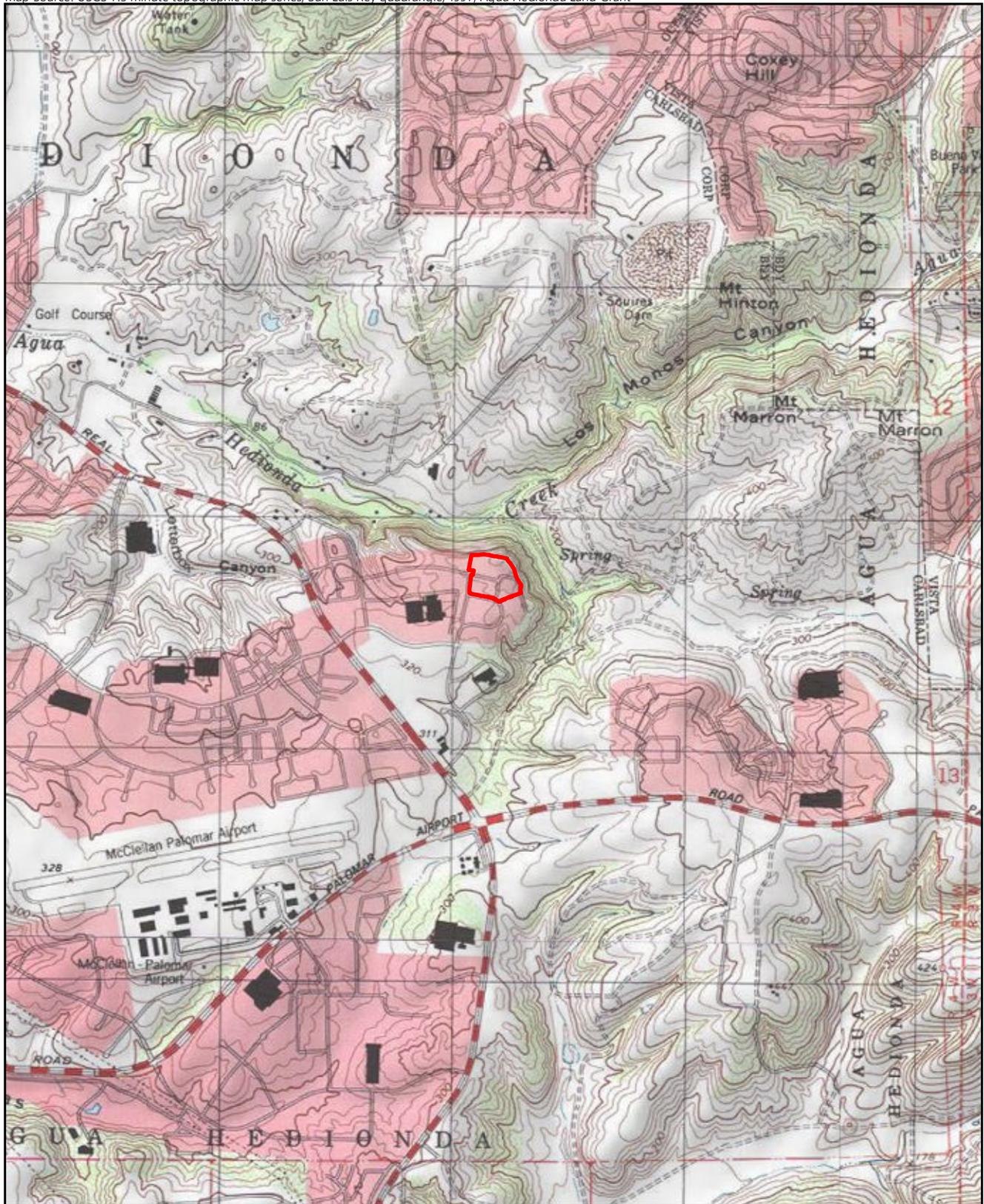
Nationwide Environmental Title Research, LLC

2016 Historic Aerials. <http://www.historicaerials.com/>. Accessed on June 20.



 Project Location

FIGURE 1
Regional Location



 Project Boundary

FIGURE 2
Project Location on USGS Map



 Project Boundary

FIGURE 3
Project Location on Aerial Photograph

ATTACHMENTS

ATTACHMENT 1

Native American Heritage Commission Correspondence

NATIVE AMERICAN HERITAGE COMMISSION

1550 Harbor Blvd., Suite 100
West Sacramento, CA 95691
(916) 373-3710
(916) 373-5471 FAX



June 20, 2016

Carmen Zepeda-Herman
RECON Environmental

Sent by E-mail: czepeda@reconenvironmental.com
Number of Pages: 7

RE: Proposed Carlsbad Maintenance & Operations Building & Parking Structure Project, City of Carlsbad; San Luis Rey USGS Quadrangle, San Diego County, California

Dear Ms. Zepeda-Herman:

Attached is a Contact List of tribes with traditional lands or cultural places located within the boundaries of the above referenced counties. A search of the SFL was completed for the USGS quadrangle information provided with negative results.

Our records indicate that the lead agency for this project has not requested a Native American Consultation List for the purposes of formal consultation. Contact Lists for cultural resource assessments are different than Consultation Lists. Please note that the intent of the referenced codes below is to mitigate impacts to tribal cultural resources, as defined, for California Environmental Quality Act (CEQA) projects under AB-52.

As of July 1, 2015, Public Resources Code Sections 21080.3.1 and 21080.3.2 **require public agencies** to consult with California Native American tribes identified by the Native American Heritage Commission (NAHC) for the purpose mitigating impacts to tribal cultural resources:

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

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

In accordance with Public Resources Code Section 21080.3.1(d), formal notification must include a brief description of the proposed project and its location, the lead agency contact information, and a notification that the California Native American tribe has 30 days to request consultation. The NAHC believes that agencies should also include with their notification letters information regarding any cultural resources assessment that has been completed on the APE, such as:

1. The results of any record search that may have been conducted at an Information Center of the California Historical Resources Information System (CHRIS), including, but not limited to:
 - A listing of any and all known cultural resources have already been recorded on or adjacent to the APE;
 - Copies of any and all cultural resource records and study reports that may have been provided by the Information Center as part of the records search response;
 - If the probability is low, moderate, or high that cultural resources are located in the APE.

- Whether the records search indicates a low, moderate or high probability that unrecorded cultural resources are located in the potential APE; and
 - If a survey is recommended by the Information Center to determine whether previously unrecorded cultural resources are present.
2. The results of any archaeological inventory survey that was conducted, including:
 - Any report that may contain site forms, site significance, and suggested mitigation measures.
 - All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure in accordance with Government Code Section 6254.10.
 3. The results of any Sacred Lands File (SFL) check conducted through Native American Heritage Commission.
 4. Any ethnographic studies conducted for any area including all or part of the potential APE; and
 5. Any geotechnical reports regarding all or part of the potential APE.

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

This information will aid tribes in determining whether to request formal consultation. In the case that they do, having the information beforehand will help to facilitate the consultation process.

The results of these searches and surveys should be included in the "Tribal Cultural Resources" subsection of the Cultural Resources section of the environmental document submitted for review.

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

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

Sincerely,



Gayle Totton, M.A., PhD.
Associate Governmental Program Analyst

**Native American Contact List
San Diego County
June 20, 2016**

Barona Group of the Capitan Grande
Clifford LaChappa, Chairperson
1095 Barona Road Diegueno
Lakeside , CA 92040
cloyd@barona-nsn.gov
(619) 443-6612

(619) 443-0681

Ewiiapaayp Tribal Office
Robert Pinto Sr., Chairperson
4054 Willows Road Diegueno/Kumeyaay
Alpine , CA 91901
(619) 445-6315

(619) 445-9126 Fax

La Posta Band of Mission Indians
Gwendolyn Parada, Chairperson
8 Crestwood Road Diegueno/Kumeyaay
Boulevard , CA 91905
LP13boots@aol.com
(619) 478-2113
(619) 478-2125 Fax

Manzanita Band of Kumeyaay Nation
Leroy J. Elliott, Chairperson
P.O. Box 1302 Diegueno/Kumeyaay
Boulevard , CA 91905
(619) 766-4930

(619) 766-4957 Fax

San Pasqual Band of Mission Indians
Allen E. Lawson, Chairperson
P.O. Box 365 Diegueno
Valley Center , CA 92082
allenl@sanpasqualtribe.org
(760) 749-3200

(760) 749-3876 Fax

Sycuan Band of the Kumeyaay Nation
Cody J. Martinez, Chairperson
1 Kwaaypaay Court Diegueno/Kumeyaay
El Cajon , CA 92019
ssilva@sycuan-nsn.gov
(619) 445-2613

(619) 445-1927 Fax

Viejas Band of Kumeyaay Indians
Robert J. Welch, Jr., Chairperson
1 Viejas Grade Road Diegueno/Kumeyaay
Alpine , CA 91901
jhagen@viejas-nsn.gov
(619) 445-3810

(619) 445-5337 Fax

Kumeyaay Cultural Historic Committee
Ron Christman
56 Viejas Grade Road Diegueno/Kumeyaay
Alpine , CA 91901
(619) 445-0385

Campo Band of Mission Indians
Ralph Goff, Chairperson
36190 Church Road, Suite 1 Diegueno/Kumeyaay
Campo , CA 91906
rgoff@campo-nsn.gov
(619) 478-9046

(619) 478-5818 Fax

Jamul Indian Village
Erica Pinto, Chairperson
P.O. Box 612 Diegueno/Kumeyaay
Jamul , CA 91935
(619) 669-4785

(619) 669-4817

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 or agency of statutory responsibility as defined in Public Resources Code Sections 21080.3.1 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 only applicable for contacting local Native Americans with regard to cultural resources for the proposed Carlsbad Maintenance & Operations Building & Parking Structure Project; City of Carlsbad; San Luis Rey USGS Quadrangle, San Diego County, California.

**Native American Contact List
San Diego County
June 20, 2016**

Mesa Grande Band of Mission Indians
Virgil Oyos, Chairperson
P.O. Box 270 Diegueno
Santa Ysabel , CA 92070
mesagrandeband@msn.com
(760) 782-3818

(760) 782-9092 Fax

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

(760) 742-3189 Fax

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

(760) 742-3422 Fax

Pechanga Band of Mission Indians
Paul Macarro, Cultural Resources Manager
P.O. Box 1477 Luiseno
Temecula , CA 92593
pmacarro@pechanga-nsn.gov
(951) 770-8100

(951) 506-9491 Fax

Rincon Band of Mission Indians
Jim McPherson, Tribal Historic Pres. Officer
1 West Tribal Road Luiseno
Valley Center , CA 92082
vwhipple@rincontri.org
(760) 749-1051

(760) 749-5144

Soboba Band of Luiseno Indians
Carrie Garcia, Cultural Resources Manager
P.O. Box 487 Luiseno
San Jacinto , CA 92581 Cahuilla
carrieg@soboba-nsn.gov
(951) 654-2765

(951) 654-4198 Fax

Kwaaymii Laguna Band of Mission Indians
Carmen Lucas
P.O. Box 775 Diegueno-Kwaaymii
Pine Valley , CA 91962 Kumeyaay
(619) 709-4207

Inaja Band of Mission Indians
Rebecca Osuna, Chairman
2005 S. Escondido Blvd. Diegueno
Escondido , CA 92025
(760) 737-7628

(760) 747-8568 Fax

Kumeyaay Cultural Repatriation Committee
Steve Banegas, Spokesperson
1095 Barona Road Diegueno/Kumeyaay
Lakeside , CA 92040
sbanegas50@gmail.com
(619) 742-5587

(619) 443-0681 Fax

La Posta Band of Mission Indians
Javaughn Miller, Tribal Administrator
8 Crestwood Road Diegueno
Boulevard , CA 91905
jmiller@Lapostatribes.net
(619) 478-2113

(619) 478-2125- Fax

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**Native American Contact List
San Diego County
June 20, 2016**

Pauma Band of Luiseno Indians - Pauma & Yuima Bennae Calac P.O. Box 369 Pauma Valley , CA 92061 bennaecalac@aol.com (760) 617-2872 (760) 742-3422 Fax	Luiseno	Ewiiapaayp Tribal Office Will Micklin, Executive Director 4054 Willows Road Alpine , CA 91901 wmicklin@leaningrock.net (619) 445-6315 (619) 445-9126 Fax	Diegueno/Kumeyaay
Barona Group of the Capitan Grande Sheilla Alvarez 1095 Barona Road Lakeside , CA 92040 salvarez@barona-nsn.gov (619) 443-6612	Diegueno	Manzanita Band of Mission Indians ATTN: David Thompson, EPA P.O. Box 1302 Boulevard , CA 91905 (619) 766-4851 (619) 766-4957 Fax	Kumeyaay
Viejas Band of Kumeyaay Indians Julie Hagen, Cultural Resources 1 Viejas Grade Road Alpine , CA 91901 jhagen@viejas-nsn.gov (619) 445-3810 (619) 445-5337	Diegueno/Kumeyaay	San Luis Rey Band of Mission Indians Tribal Council 1889 Sunset Drive Vista , CA 92081 cjmojado@slrmissionindians.org (760) 724-8505 (760) 724-2172 Fax	Luiseno
Rincon Band of Mission Indians Bo Mazzetti, Chairperson 1 West Tribal Road Valley Center , CA 92082 bomazzetti@aol.com (760) 749-1051 (760) 749-5144	Luiseno	San Luis Rey Band of Mission Indians Cultural Department 1889 Sunset Drive Vista , CA 92081 cjmojado@slrmissionindians.org (760) 724-8505 (760) 724-2172 Fax	Luiseno Cupeno
San Pasqual Band of Indians John Flores, Environmental Coordinator P.O. Box 365 Valley Center , CA 92082 johnf@sanpasqualtribe.org (760) 749-3200 (760) 749-3876 Fax	Diegueno	Kupa Cultural Center (Pala Band) Shasta Gaughen, Assistant Director PMB 50, 35008 Pala Temecula Rd. Pala , CA 92059 sgaughen@palatribe.com (760) 891-3515 (760) 742-4543 Fax	Luiseno

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**Native American Contact List
San Diego County
June 20, 2016**

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

(951) 695-1778 Fax

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

(760) 742-3779 Fax

Iipay Nation of Santa Ysabel
Clint Linton, Director of Cultural Resources
P.O. Box 507 Diegueno/Kumeyaay
Santa Ysabel , CA 92070
cjlinton73@aol.com
(760) 803-5694

Sycuan Band of the Kumeyaay Nation
Lisa Haws, Cultural Resource Manager
1 Kwaaypaay Court Diegueno/Kumeyaay
El Cajon , CA 92019
(619) 445-4564

Pauma Band of Luiseno Indians - Pauma & Yuima
Charles Devers, Cultural Committee
P.O. Box 369, Ext. 317 Luiseno
Pauma Valley , CA 92061
(760) 742-1289

(760) 742-3422 Fax

Manzanita Band of the Kumeyaay Nation
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Boulevard , CA 91905
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(619) 766-4930
(619) 925-0952 Cell
(919) 766-4957 Fax

Pechanga Cultural Resources Department
Anna Hoover, Cultural Analyst
P.O. Box 2183 Luiseño
Temecula , CA 92593
ahoover@pechanga-nsn.gov
(951) 770-8104

(951) 694-0446 Fax

Soboba Band of Luiseno Indians
Joseph Ontiveros, Cultural Resource Department
P.O. BOX 487 Luiseno
San Jacinto , CA 92581 Cahuilla
jontiveros@soboba-nsn.gov
(951) 663-5279
(951) 654-5544, ext 4137
(951) 654-4198 Fax

Kumeyaay Diegueno Land Conservancy
Mr. Kim Bactad, Executive Director
2 Kwaaypaay Court Diegueno/Kumeyaay
El Cajon , CA 92019
kimbactad@gmail.com
(619) 659-1008 Office

(619) 445-0238 Fax

Inter-Tribal Cultural Resource Protection Council
Frank Brown, Coordinator
240 Brown Road Diegueno/Kumeyaay
Alpine , CA 91901
frbrown@viejas-nsn.gov
(619) 884-6437

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**Native American Contact List
San Diego County
June 20, 2016**

Kumeyaay Cultural Repatriation Committee
Bernice Paipa, Secretary
P.O. Box 63 Diegueno/Kumeyaay
Santa Ysabel , CA 92070
bernicepaipa@gmail.com

Iipay Nation of Santa Ysabel
Virgil Perez, Chairperson
P.O. Box 130 Diegueno/Kumeyaay
Santa Ysabel , CA 92070
(760) 765-0845

(760) 765-0320 Fax

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

(760) 742-3189 Fax

Ewiiapaayp Tribal Office
Michael Garcia, Vice Chairperson
4054 Willows Road Diegueno/Kumeyaay
Alpine , CA 91901
michaelg@leaningrock.net
(619) 445-6315

(619) 445-9126 Fax

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ATTACHMENT 2

Assembly Bill 52 Consultation Letters

Rincon Band of Luiseño Indians

CULTURAL RESOURCES DEPARTMENT

One Government Center Lane | Valley Center | CA 92082
(760) 749-1092 | Fax: (760) 749-8901 | rincon-nsn.gov



July 15, 2021

Sent via email: Christina.Bustamante@carlsbadca.gov

City of Carlsbad
Community Development
Planning Division
Christina Bustamante
1635 Faraday Avenue
Carlsbad, CA 92008-7314

Re: Orion Center; CUP 2018-0022/EIA15-02 (PUB17Y-0018), CIP 3572

Dear Ms. Bustamante,

This letter is written on behalf of the Rincon Band of Luiseño Indians (“Rincon Band” or “Band”), a federally recognized Indian Tribe and sovereign government. Thank you for consulting with the Band on the Orion Center Project and providing us with the results of the archaeological record search and the report from the specific site Archaeological Investigations.

The Band has reviewed the provided documents and we believe activities associated with the project have the potential to impact cultural resources. The project site is located within a culturally-sensitive area, which is associated with traditional practices of the Luiseño people. Archaeological site SDI-W-1459/SDI-5224 and a total of 55 previously recorded sites within a one-mile radius of the project site have been identified during the RECON record search; further confirming the likelihood of cultural material present at the project site.

From our conversations and the provided documents, we understand that there is currently up to 11 feet fill soil on the project property. While we understand that no disturbance of native soil is intended, it has been confirmed that as per recommendation in the geotechnical report the current fill soil will have to be completely removed. The Band is concerned that cultural resources will be disturbed in the connecting layer between fill soil and native soil. Additionally, the geotechnical report states that the present of boulders within the fill soil should be expected. Existing boulders, outcrops and other material could potentially be of cultural significance. We therefore ask that archaeological monitoring will be required for the duration of the project. The presence of an archaeologist will also prevent any delays when boulders or other materials are being discovered, as in-field assessments can occur immediately. We ask that a monitoring report, and protocols for discovery of cultural material and human remains will be part of the mitigation. Additionally, the Rincon Band asks to be notified immediately if any material of Native American origin are being identified. Upon such discovery, we ask that in addition to archaeological monitoring a Native American monitor from the Rincon Band will be retained to be present during the remainder of the ground disturbing activities associated with the project. We understand that other Tribes potentially have

Bo Mazzetti
Chairman

Tishmall Turner
Vice Chair

Laurie E. Gonzalez
Council Member

John Constantino
Council Member

Joseph Linton
Council Member

SAN LUIS REY BAND OF MISSION INDIANS

1889 Sunset Drive • Vista, California 92081

760-724-8505 • FAX 760-724-2172

www.slrmissionindians.org

June 17, 2021

Christina Bustamante
Associate Planner
City of Carlsbad
1635 Faraday Avenue
Carlsbad, CA 92008

VIA ELECTRONIC MAIL
Christina.bustamante@carlsbadca.gov

RE: Formal Request for Tribal Consultation Pursuant to the California Environmental Quality Act (CEQA), Public Resources Code section 21080.3.1, subds. (b), (d) and (e) for the Orion Center Project; CUP 2018-0022/EIA 15-02 (PUB 17Y-0018), CIP 3572; located at 2600 Orion Street, Carlsbad, CA 92010.

Dear Ms. Bustamante:

This letter constitutes a formal request for tribal consultation under the provisions of the California Environmental Quality Act (CEQA) (Public Resources Code section 21080.3.1 subdivisions (b), (d) and (e)) for the mitigation of potential project impacts to tribal cultural resource for the above referenced project. The San Luis Rey Band of Mission Indians requested formal notice and information for all projects within your agency's geographical jurisdiction and received notification on May 27, 2021 regarding the above referenced project.

The San Luis Rey Band of Mission Indians requests consultation on the following topics checked below, which shall be included in consultation if requested (Public Resources Code section 21080.3.2, subd. (a)):

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

The San Luis Rey Band of Mission Indians also requests consultation on the following discretionary topics checked below (Public Resources Code section 21080.3.2 (subd. (a)):

- Type of environmental review necessary
- Significance of tribal cultural resources, including any regulations, policies or standards used by your agency to determine significance of tribal cultural resources

X Significance of the project's impacts on tribal cultural resources

X Project alternatives and/or appropriate measures for preservation or mitigation that we may recommend, including, but not limited to:

- (1) Avoidance and preservation of the resources in place, pursuant to Public Resources Code section 21084.3, including, but not limited to, planning and construction to avoid the resources and protect the cultural and natural context, or planning greenspace, parks or other open space, to incorporate the resources with culturally appropriate protection and management criteria;
- (2) Treating the resources with culturally appropriate dignity taking into account the tribal cultural values and meaning of the resources, including but not limited to the following:
 - a. Protecting the cultural character and integrity of the resource;
 - b. Protection the traditional use of the resource; and
 - c. Protecting the confidentiality of the resource.
- (3) Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
- (4) Protecting the resource.

Additionally, the San Luis Rey Band of Mission Indians requests to receive any cultural resources assessments or other assessments that have been completed on all or part of the project's potential "area of project effect" (APE), including, but not limited to:

1. The results of any record search that may have been conducted at an Information Center of the California Historical Resources Information System (CHRIS), including, but not limited to:
 - A listing of any and all known cultural resources have already been recorded on or adjacent to the APE;
 - Copies of any and all cultural resource records and study reports that may have been provided by the Information Center as part of the records search response;
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
 - Whether the records search indicates a low, moderate or high probability that unrecorded cultural resources are located in the potential APE; and
 - If a survey is recommended by the Information Center to determine whether previously unrecorded cultural resources are present.
2. The results of any archaeological inventory survey that was conducted, including:
 - Any report that may contain site forms, site significance, and suggested mitigation measures.

All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure in accordance with Government Code Section 6254.10.

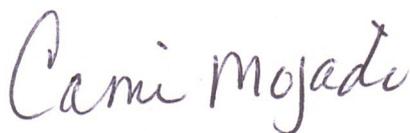
3. The results of any Sacred Lands File (SFL) check conducted through Native American Heritage Commission. The request form can be found at http://www.nahc.ca.gov/slf_request.html. USGS 7.5-minute quadrangle name, township, range, and section required for the search.
4. Any ethnographic studies conducted for any area including all or part of the potential APE; and
5. Any geotechnical reports regarding all or part of the potential APE.

We would like to remind your agency that CEQA Guidelines section 15126.4, subdivision (b)(3) states that preservation in place is the preferred manner of mitigating impacts to archaeological sites. Section 15126.4, subd. (b)(3) of the CEQA Guidelines has been interpreted by the California Court of Appeal to mean that “feasible preservation in place must be adopted to mitigate impacts to historical resources of an archaeological nature unless the lead agency determines that another form of mitigation is available and provides superior mitigation of impacts.” *Madera Oversight Coalition v. County of Madera* (2011) 199 Cal.App.4th 48, disapproved on other grounds, *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal.4th 439.

The San Luis Rey Band of Mission Indians expects to begin consultation within 30 days of your receipt of this letter. Please contact the San Luis Rey Band of Mission Indians lead contact person identified in our previous request for notification.

Name: Cami Mojado
Title: Cultural Resources Manager
Address: 1889 Sunset Drive, Vista, CA 92081
Office Phone Number: 760-724-8505
Direct Cell Phone Number: 760-917-1736
Office Fax Number 760-724-2172
Email Address: cjmojado@slrmissionindians.org

Sincerely,



Cami Mojado
Cultural Resources Manager
San Luis Rey Band of Mission Indians

knowledge particular to this project site and may request additional measures. Please note that the Rincon Band supports all efforts to completely avoid cultural resources as preferred mitigation.

Finally, we ask to confirm that no soil will be exported of project site. If soil export is expected, we would like to have a follow-up call to discuss this further.

The Rincon Band reserves its right to continue to fully participate in the environmental review process and to review and submit additional information during the public review process. If you have additional questions or concerns, please do not hesitate to contact our office at your convenience at (760) 749-1092 ext. 323 or via electronic mail at cmadrigal@rincon-nsn.gov. We look forward to working together to protect and preserve our cultural assets.

Sincerely,



Cheryl Madrigal
Tribal Historic Preservation Officer
Cultural Resources Manager

CONFIDENTIAL ATTACHMENT 1

(Not for Public Review)