

## Appendix H

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Tribal  
Consultation  
Record



October 20, 2021

Robert Edgerton, AICP CEP  
HELIX Environmental Planning, Inc.  
11 Natoma Street, Suite 155  
Folsom, California 95630

**RE: Tribal Consultation Record for Compliance with Assembly Bill 52 and CEQA for the Broadstone Villas Project, City of Folsom**

Dear Mr. Edgerton:

The California Environmental Quality Act (CEQA), as amended in 2014 by Assembly Bill 52 (AB 52), requires that the City of Folsom provide notice to any California Native American tribes that have requested notice of projects subject to CEQA review, and consult with tribes that responded to the notice within 30 days of receipt with a request for consultation. Section 21073 of the Public Resources Code (PRC) defines California Native American tribes 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 the Statutes of 2004." This includes both federally and non-federally recognized tribes. For the City, these include the following tribes that previously submitted general request letters, requesting such noticing:

- Wilton Rancheria (letter dated January 13, 2020);
- Lone Band of Miwok Indians (letter dated March 2, 2016); and
- United Auburn Indian Community (UAIC) of the Auburn Rancheria (letter dated November 23, 2015).

The purpose of consultation is to identify Tribal Cultural Resources (TCRs) that may be significantly impacted by the proposed Project, and to allow the City to avoid or mitigate significant impacts prior to Project approval and implementation. Section 21074(a) of the PRC defines TCRs for the purpose of CEQA as:

Sites, features, places, cultural landscapes (geographically defined in terms of the size and scope), sacred places, and objects with cultural value to a California Native American tribe that are either of the following:

- a) included or determined to be eligible for inclusion in the California Register of Historical Resources; and/or
- b) included in a local register of historical resources as defined in subdivision (k) of Section 5020.1; and/or

- c) a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1, for the purposes of this paragraph the lead agency shall consider the significance of the resource to a California Native American tribe.

Because the first two criteria also meet the definition of a Historical Resource under CEQA, a TCR may also require additional consideration as a Historical Resource. TCRs may or may not exhibit archaeological, cultural, or physical indicators and can only be identified by a culturally affiliated tribe, which has been determined under State law to be the subject matter expert for TCRs.

CEQA requires that the City initiate consultation with tribes at the commencement of the CEQA process to identify TCRs. Furthermore, because a significant effect on a TCR is considered a significant impact on the environment under CEQA, consultation is required to develop appropriate avoidance, impact minimization, and mitigation measures. Therefore, in accordance with the requirements summarized above, the City carried out tribal outreach, and when requested, consultation, for the Project. The methods and results of tribal consultation are summarized below.

## **1.0 SUMMARY OF CONSULTATION**

Within 14 days of initiating CEQA review for the Project, on June 16, 2021, the City sent Project notification letters to the three California Native American tribes named above, which had previously submitted general consultation request letters pursuant to Section 21080.3.1(d) of the PRC. The letter provided each tribe with a brief description of the Project and its location, the contact information for the City's authorized representative, and a notification that the tribe has 30 days to request consultation.

### **1.1 Lone Band of Miwok Indians**

The Lone Band of Miwok Indians did not respond to the City's notification letter, and therefore, the threshold for carrying out tribal consultation with that tribe under PRC 21080.3.1(e) was not met, and no further consultation or outreach was required.

### **1.2 UAIC**

On July 13, 2021, and within the 30-day response timeframe, the City received an email from Anna Starkey of UAIC that acknowledged receipt of the City's notification letter, thanked the City for the opportunity to consult with UAIC, and indicated that there is a known TCR within the proposed Project boundary. Ms. Starkey requested that a UAIC representative either be present for the cultural resources survey or conduct their own survey if one had not yet occurred. The response did not include any additional information on the TCR. Additionally, Ms. Starkey requested a copy of the cultural resources technical report and requested that her email be entered into the administrative record.

On July 14, 2021, the City formally initiated consultation with United Auburn Indian Community and stated that Ms. Starkey's email response had been entered into the administrative record, as requested. The City further confirmed that a survey had been conducted and that preparation of a buried site

potential analysis including site photographs was underway. The City indicated that it would provide a copy of the technical report upon receipt.

Accordingly, on October 8, 2021 the City transmitted the cultural resources assessment, which included a buried site potential, prepared by HELIX Environmental Planning, Inc., to Ms. Starkey for her review. Subsequently, on October 11, 2021, Ms. Starkey responded to indicate that after her review of the report, UAIC had no further comments. She offered no information or confirmation about a TCR being present in the project area; however, she provided a recommended mitigation measure for unanticipated discoveries. In her correspondence, she questioned why subsurface testing was performed. In response, on October 18, the City acknowledged Ms. Starkey's October 11 comment and clarified that the testing was very limited and was needed to address other needs. The City noted that mitigation measures to address avoidance of unanticipated discoveries of Tribal Cultural Resources would be included in the CEQA document. The City concluded consultation with UAIC on October 18, 2021.

### **1.3 Wilton Rancheria**

On June 25, 2021, and within the 30-day response timeframe, Wilton Rancheria representative Mariah Mayberry responded to the City's initial notification letter by email thanking the City for providing the project notification to Wilton and stated that the tribe is aware of one TCR within the project boundary. Ms. Mayberry requested to further discuss how to avoid impacts to TCRs and provided Wilton Rancheria's recommended mitigation measures for TCRs. In her response, Ms. Mayberry neither requested nor deferred consultation under AB 52 for the proposed project; however, the City elected to consult with Wilton informally.

On July 6, 2021, the City held a consultation meeting with Wilton Rancheria to discuss the purpose of the project. Robert Edgerton, a Principal Planner for Helix Environmental Planning and Lisa Westwood, Director of Cultural Resources for ECORP, attended the meeting to provide technical support at the request of the City. Ms. Mayberry stated that Wilton Rancheria's Tribal Historic Preservation Officer requested the depths for the proposed grading and excavation. Mr. Edgerton stated that the site had been previously mass graded, and that utility installation will not exceed six feet below the surface. Ms. Mayberry respectfully requested the exact depth from the project applicant to determine if the project could impact previously undisturbed material. Ms. Mayberry sent an email after the meeting that provided additional locational information regarding the TCR and requested to be notified of the schedule for the cultural resources survey and stated that Wilton Rancheria's THPO recommends subsurface testing. By the time this was received, the cultural resources survey had already been completed; however, on October 8, 2021, the City transmitted the cultural resources assessment to Wilton Rancheria for their review and comment. On October 13, 2021, the City followed up with Wilton Rancheria indicating their desire to publish the environmental document and inquired whether Wilton had any additional conditions or would like to further consult. The City has not received any additional responses from Wilton Rancheria. Although consultation with Wilton was not pursuant to AB 52 (because Wilton did not formally request consultation), the City made a reasonable and good faith effort to consult and share information with the tribe and has taken comments into consideration. Should Wilton provide any additional information beyond the date of this letter, the City will consider it. Otherwise, the consultation with Wilton is considered concluded.

## 1.4 Recommended Findings

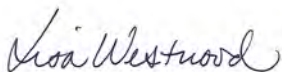
Information about potential impacts to TCRs was drawn from both Wilton Rancheria's provided information, the ethnographic context, a search of the Sacred Lands File of the Native American Heritage Commission (NAHC), and the results of a cultural resources inventory prepared by Helix (2021). The Helix 2021 report provides the methods and results of these efforts and are hereby incorporated into this memo by reference. In summary, the ethnographic information reviewed for the Project, including ethnographic maps, does not identify any villages, occupational areas, or resource procurement locations in or around the current Project Area. As of the date of the cultural resources report preparation, the results of the Sacred Lands File search were still pending. The cultural resources survey did not reveal any Native American archaeological sites within or adjacent to the proposed Project Area or near the potential TCR location. Finally, as summarized above, two of the three tribes notified of the Project responded to the City's offer to consult.

In reviewing the lines of evidence summarized above, there exists a potential for the discovery of TCRs during Project construction, and encountered, the Project activity could result in a significant impact. Implementation of unanticipated discovery procedures, as provided in mitigation measure TCR-1 below, would reduce that impact to less than significant.

**TCR-1: Unanticipated Discovery of Tribal Cultural Resources.** If potentially significant Tribal Cultural Resources (TCRs) are discovered during ground disturbing construction activities, all work shall cease within 50 feet of the find. A Native American Representative from traditionally and culturally affiliated Native American Tribes that requested consultation on the project shall be immediately contacted and invited to assess the significance of the find and make recommendations for further evaluation and treatment, as necessary. If deemed necessary by the City, a qualified cultural resources specialist meeting the Secretary of Interior's Standards and Qualifications for Archaeology, may also assess the significance of the find in joint consultation with Native American Representatives to ensure that Tribal values are considered. Work at the discovery location cannot resume until the City, in consultation as appropriate and in good faith, determines that the discovery is either not a TCR, or has been subjected to culturally appropriate treatment, if avoidance and preservation cannot be accommodated.

If you have any questions, you may reach me by phone at (916) 782-9100 or by email at [LWestwood@ecorpconsulting.com](mailto:LWestwood@ecorpconsulting.com).

Sincerely,



Lisa Westwood, RPA  
Vice President and Director of Cultural Resources

## REFERENCES CITED

HELIX Environmental Planning, Inc. 2021. *Cultural Resources Assessment Letter Report for the Proposed Broadstone Villas Multi-Family Apartment Project, Sacramento County, California.*