

APPENDIX H

NATIVE AMERICAN TRIBAL CONSULTATION CORRESPONDENCE

Native American Tribal Consultation under AB 52 are between tribal representatives and the Lead Agency (County of San Bernardino). AB 52 requires that any information – not just documents– 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 Gov. Code Sections 6254, subd.(r) and 6254.10. (Pub. Resources Code § 21082.3, subd. (c)(1)). Unless the tribe agrees, in writing, to public disclosure, the project applicant or the project applicant’s legal advisors, using a reasonable degree of care, shall maintain the confidentiality of the information exchanged for the purposes of preventing looting, vandalism or damage to a tribal cultural resource and shall not disclose the information to a third party. (Pub. Resources Code § 21082.3, subd. (c)(2)(A)).

For more information, please contact the Planning Division at the County of San Bernardino.

From: [Ryan Nordness](#)
To: [Braginton, Jon](#)
Subject: AB52 notice for the 10426 Locust avenue Bloomington minor use permit and lot merger APN: 0252-151-04, -05, -52, -64
Date: Tuesday, December 6, 2022 3:20:58 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you can confirm the sender and know the content is safe.

Hello Jon,

Thank you for contacting the Yuhaaviatam of San Manuel Nation (formerly known as the San Manuel Band of Mission Indians) regarding the above referenced project. YSMN appreciates the opportunity to review the project documentation, which was received by our Cultural Resources Management Department on November 10th 2022, pursuant to CEQA (as amended, 2015) and CA PRC 21080.3.1. The proposed project area exists within Serrano ancestral territory and, therefore, is of interest to the Tribe. However, due to the nature and location of the proposed project, and given the CRM Department's present state of knowledge, YSMN does not have any concerns with the project's implementation, as planned, at this time. As a result, YSMN requests that the following language be made a part of the project/permit/plan conditions:

CUL MMs

1. In the event that cultural resources are discovered during project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and a qualified archaeologist meeting Secretary of Interior standards shall be hired to assess the find. Work on the other portions of the project outside of the buffered area may continue during this assessment period. Additionally, the Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed within TCR-1, regarding any pre-contact and/or historic-era finds and be provided information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment.
2. If significant pre-contact and/or historic-era cultural resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to YSMN for review and comment, as detailed within TCR-1. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly.
3. If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5 and that code enforced for the duration of the project.

TCR MMs

1. The Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed in CR-1, of any pre-contact and/or historic-era cultural resources discovered during project implementation, and be provided information regarding the nature of the find, so as to provide Tribal input with regards to significance and treatment. Should the find be deemed significant, as defined by CEQA (as amended, 2015), a cultural resources Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with YSMN, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents YSMN for the remainder of the project, should YSMN elect to place a monitor on-site.

2. Any and all archaeological/cultural documents created as a part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for dissemination to YSMN. The Lead Agency and/or applicant shall, in good faith, consult with YSMN throughout the life of the project.

Note: Yuhaaviatam of San Manuel Nation realizes that there may be additional tribes claiming cultural affiliation to the area; however, Yuhaaviatam of San Manuel Nation can only speak for itself. The Tribe has no objection if the agency, developer, and/or archaeologist wishes to consult with other tribes in addition to YSMN and if the Lead Agency wishes to revise the conditions to recognize additional tribes.

Please provide the final copy of the project/permit/plan conditions so that YSMN may review the included language. This communication concludes YSMN's input on this project, at this time, and no additional consultation pursuant to CEQA is required unless there is an unanticipated discovery of cultural resources during project implementation. If you should have any further questions with regard to this matter, please do not hesitate to contact me at your convenience, as I will be your Point of Contact (POC) for YSMN with respect to this project.

Respectfully,
Ryan Nordness

Ryan Nordness

Cultural Resource Analyst

Ryan.Nordness@sanmanuel-nsn.gov

O:(909) 864-8933 Ext 50-2022

M:(909) 838-4053

26569 Community Center Dr Highland, California 92346





Land Use Services Department Planning

David Doublet
Director

December 1, 2022

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Ryan Nordness, Cultural Resources Analyst
San Manuel Band of Mission Indians
26569 Community Center Drive
Highland, CA 92346

RE: NOTICE OF OPPORTUNITY TO CONSULT FOR A MINOR USE PERMIT FOR THE PROPOSED CONSTRUCTION OF A 42,900-SQUARE FOOT WAREHOUSE IN THE LIMITED INDUSTRIAL (LI) LAND USE CATEGORY, AND COMMUNITY INDUSTRIAL (IC) ZONING DISTRICT LOCATED AT 10486 LOCUST AVENUE AND 18060 SLOVER AVENUE IN THE UNINCORPORATED COMMUNITY OF BLOOMINGTON, SAN BERNARDINO COUNTY (APN: 0252-151-08, -50 AND -69) WITHIN THE CITY OF RIALTO SPHERE OF INFLUENCE AREA; PROJECT NUMBER: PROJ-2022-00125.

Dear Mr. Nordness:

The Land Use Services Department recently initiated the environmental review under the California Environmental Quality Act (CEQA) for the aforementioned project. A project vicinity location map is enclosed for your review.

In accordance with Assembly Bill 52 (AB 52), which added various provisions to the California Public Resources Code (PRC) that concern Tribal Cultural Resources, including Section 21080.3.1(d), we are responding to your request to be notified of projects in the geographic area that is traditionally and culturally affiliated with your Tribe and that will be reviewed by this entity under CEQA. Your name was provided to us as the point of contact for your Tribe. We are hereby notifying you of an opportunity to consult with us regarding the potential for this project to impact Tribal Cultural Resources, as defined in Section 21074 of the PRC. The purposes of tribal consultation under AB 52 are to determine, as part of the CEQA review process, whether or not Tribal Cultural Resources are present within the project area, and if so, whether or not those resources will be significantly impacted by the project. If Tribal Cultural Resources may be significantly impacted, then consultation will also help to determine the most appropriate way to avoid or mitigate those impacts.

In accordance with Section 21080.3.1(d) of the PRC, you have 30 days from the receipt of this letter to request consultation in writing for this project. Please send your written request to me at: 385 North Arrowhead Avenue, 1st Floor, San Bernardino, CA 92415 or by email to Jon.Braginton@lus.sbcounty.gov. In your request, please reference the project name and number as indicated above. If we do not receive a request for consultation within 30 days of your receipt of this letter, we will proceed forward in the CEQA review process without consultation. Thank you and we look forward to your response.

Respectfully,

A handwritten signature in black ink that reads "Jon Braginton".

Jon Braginton, Planner

JB/cgw/lb

Enclosures: Project Notice

cc: Project File

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GABRIELENO BAND OF MISSION INDIANS - KIZH NATION
Historically known as The Gabrielino Tribal Council- San Gabriel Band of Mission Indians
recognized by the State of California as the aboriginal tribe of the Los Angeles basin

December 14, 2022

Project Name: 42,900 Square Foot Distribution Center, San Bernardino County

Dear Jon Braginton,

Thank you for your letter dated December 1, 2022 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

admin@gabrielenoindians.org



Land Use Services Department Planning

David Doublet
Director

December 1, 2022

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Andrew Salas, Chairman
Gabrieleño Band of Mission Indians – Kizh Nation
PO Box 393
Covina, CA 91723
gabrielenoindians@yahoo.com

RE: NOTICE OF OPPORTUNITY TO CONSULT FOR A MINOR USE PERMIT FOR THE PROPOSED CONSTRUCTION OF A 42,900-SQUARE FOOT WAREHOUSE IN THE LIMITED INDUSTRIAL (LI) LAND USE CATEGORY, AND COMMUNITY INDUSTRIAL (IC) ZONING DISTRICT LOCATED AT 10486 LOCUST AVENUE AND 18060 SLOVER AVENUE IN THE UNINCORPORATED COMMUNITY OF BLOOMINGTON, SAN BERNARDINO COUNTY (APN: 0252-151-08, -50 AND -69) WITHIN THE CITY OF RIALTO SPHERE OF INFLUENCE AREA; PROJECT NUMBER: PROJ-2022-00125.

Dear Mr. Salas,

The Land Use Services Department recently initiated the environmental review under the California Environmental Quality Act (CEQA) for the aforementioned project. A project vicinity location map is enclosed for your review.

In accordance with Assembly Bill 52 (AB 52), which added various provisions to the California Public Resources Code (PRC) that concern Tribal Cultural Resources, including Section 21080.3.1(d), we are responding to your request to be notified of projects in the geographic area that is traditionally and culturally affiliated with your Tribe and that will be reviewed by this entity under CEQA. Your name was provided to us as the point of contact for your Tribe. We are hereby notifying you of an opportunity to consult with us regarding the potential for this project to impact Tribal Cultural Resources, as defined in Section 21074 of the PRC. The purposes of tribal consultation under AB 52 are to determine, as part of the CEQA review process, whether or not Tribal Cultural Resources are present within the project area, and if so, whether or not those resources will be significantly impacted by the project. If Tribal Cultural Resources may be significantly impacted, then consultation will also help to determine the most appropriate way to avoid or mitigate those impacts.

In accordance with Section 21080.3.1(d) of the PRC, you have 30 days from the receipt of this letter to request consultation in writing for this project. Please send your written request to me at: 385 North Arrowhead Avenue, 1st Floor, San Bernardino, CA 92415 or by email to Jon.Braginton@lus.sbcounty.gov. In your request, please reference the project name and number as indicated above. If we do not receive a request for consultation within 30 days of your receipt of this letter, we will proceed forward in the CEQA review process without consultation. Thank you and we look forward to your response.

Respectfully,

A handwritten signature in black ink that reads "Jon Braginton".

Jon Braginton, Planner

JB/cgw/lb

Enclosures: Project Notice with Vicinity Map

cc: Project File

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Chief Executive Officer

From: [Tribal Historic Preservation Office](#)
To: [Braginton, Jon](#)
Cc: [Laura Chatterton](#); [Ann Brierty](#)
Subject: City of Riverside AB52 Consultation PROJ 2022-124
Date: Wednesday, January 4, 2023 12:54:48 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you can confirm the sender and know the content is safe.

The Morongo Band of Mission Indians (Tribe/MBMI) Tribal Historic Preservation Office received the City of Riverside (City) letter regarding the above referenced project on January 3, 2023. The proposed PROJ-2022-124 Project (Project) is located within the ancestral territory and traditional use area of the Cahuilla and Serrano people of the Morongo Band of Mission Indians.

Tribal cultural resources are non-renewable resources and therefore of high importance to the Morongo Tribe, therefore, tribal participation (a.k.a. tribal monitors) is recommended during all ground disturbing activities. We look forward to working with the City to protect these irreplaceable resources out of respect for ancestors of the Morongo people who left them there, and for the people of today and for generations to come.

Projects within this area are potentially sensitive for cultural resources regardless of the presence or absence of remaining surface artifacts and features. Our office requests to initiate government-to-government consultation under Assembly Bill (AB) 52 (California Public Resources Code § 21080.3.1) and requests the following from the City to ensure meaningful consultation:

- Currently proposed Project design and Mass Grading Maps
- A records search conducted at the appropriate California Historical Resources Information System (CHRIS) center with at least a 1.0-mile search radius from the project boundary. If this work has already been done, please furnish copies of the cultural resource documentation (ArcMap Shapefiles, reports and site records) generated through this search so that we can compare and review with our records to begin productive consultation.
- Tribal participation (a.k.a. tribal monitors) during the pedestrian survey and testing, if this fieldwork has not already taken place. In the event that archaeological crews have completed this work, our office requests a copy of the current Phase I study or other cultural assessments (including the cultural resources inventory).
- Shapefiles of the Projects area of effect (APE)
- Geotechnical Report

This letter does not conclude consultation. Upon receipt of the requested documents the MBMI THPO may further provide recommendations and/or mitigation measures.

The lead contact for this Project is Bernadette Ann Brierty, Tribal Historic Preservation Officer (THPO).

MBMI Cultural Resource Specialist Laura Chatterton, will be assisting the Tribe in the review of this project. Please do not hesitate to contact us at ABrierty@morongo-nsn.gov, THPO@morongo-nsn.gov, lchatterton@morongo-nsn.gov or (951) 663-2842, should you have any questions. The Tribe looks forward to meaningful government-to-government consultation with the City of

Riverside.

Respectfully,

Laura Chatterton

Cultural Resource Specialist

Tribal Historic Preservation Office

Morongo Band of Mission Indians

12700 Pumarra Road

Banning, CA 92220

O: (951) 755.5256

M: (951) 663.7570

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Land Use Services Department Planning

David Doublet
Director

December 1, 2022

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Ann Brierty, Tribal Historic Preservation Officer
Morongo Band of Mission Indians
12700 Pumarra Road
Banning, CA 92220
abrierty@morongo-nsn.gov

RE: NOTICE OF OPPORTUNITY TO CONSULT FOR A MINOR USE PERMIT FOR THE PROPOSED CONSTRUCTION OF A 42,900-SQUARE FOOT WAREHOUSE IN THE LIMITED INDUSTRIAL (LI) LAND USE CATEGORY, AND COMMUNITY INDUSTRIAL (IC) ZONING DISTRICT LOCATED AT 10486 LOCUST AVENUE AND 18060 SLOVER AVENUE IN THE UNINCORPORATED COMMUNITY OF BLOOMINGTON, SAN BERNARDINO COUNTY (APN: 0252-151-08, -50 AND -69) WITHIN THE CITY OF RIALTO SPHERE OF INFLUENCE AREA; PROJECT NUMBER: PROJ-2022-00125.

Dear Ms. Brierty:

The Land Use Services Department recently initiated the environmental review under the California Environmental Quality Act (CEQA) for the aforementioned project. A project vicinity location map is enclosed for your review.

In accordance with Assembly Bill 52 (AB 52), which added various provisions to the California Public Resources Code (PRC) that concern Tribal Cultural Resources, including Section 21080.3.1(d), we are responding to your request to be notified of projects in the geographic area that is traditionally and culturally affiliated with your Tribe and that will be reviewed by this entity under CEQA. Your name was provided to us as the point of contact for your Tribe. We are hereby notifying you of an opportunity to consult with us regarding the potential for this project to impact Tribal Cultural Resources, as defined in Section 21074 of the PRC. The purposes of tribal consultation under AB 52 are to determine, as part of the CEQA review process, whether or not Tribal Cultural Resources are present within the project area, and if so, whether or not those resources will be significantly impacted by the project. If Tribal Cultural Resources may be significantly impacted, then consultation will also help to determine the most appropriate way to avoid or mitigate those impacts.

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Respectfully,

Jon Braginton, Planner

JB/cgw/lb

Enclosures: Project Notice with Vicinity Map

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