

Appendix E: Cultural and Tribal Cultural Resources Supporting Information

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E.1 - Phase I Cultural Resources Assessment CONFIDENTIAL

Appendix E.1 contains sensitive information pertaining to cultural resource and has been withheld from public distribution pursuant to Public Resources Code, Sections 5097.9 and 5097.993

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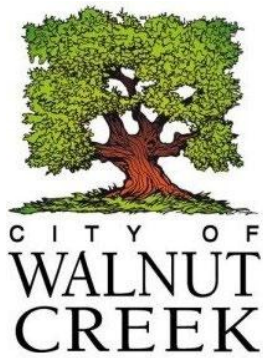
E.2 - Historic Resource Evaluation-CONFIDENTIAL

Appendix E.2 contains sensitive information pertaining to cultural resource and has been withheld from public distribution pursuant to Public Resources Code, Sections 5097.9 and 5097.993

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E.3 - Lead Agency Tribal Consultation

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November 16, 2021

Muwekma Ohlone Indian Tribe of the SF Bay Area
Monica Arellano, Vice Chairwoman
20885 Redwood Road, Suite 232
Castro Valley, CA 94546

Subject: Project Update: Walnut Creek – Mixed Use Special District Project in the City of Walnut Creek

Dear Vice Chairwoman Arellano,

After receiving your contact information from the Native American Heritage Commission (NAHC), the City of Walnut Creek sent two formal letters containing project information and an invitation to consult on the proposed Walnut Creek – Mixed Special Use District Project (proposed project). The first letter was sent on October 8, 2021, pursuant to Public Resources Code Section 21080.3.1 and 21080.3.2, Assembly Bill (AB) 52. Because the proposed project would also include a General Plan Amendment, a follow-up letter was sent on November 4, 2021, that included an invitation to consult on the project pursuant to Government Code Section 65351 Senate Bill (SB) 18.

The proposed project is located in the City of Walnut Creek, Contra Costa County, CA and is subject to compliance with the California Environmental Quality Act (CEQA). The City of Walnut Creek is the lead CEQA agency responsible for consulting with California Native American Tribes pursuant to both AB-52 and SB-18.

This third notification serves as an update to the proposed project description. Accordingly, this letter provides a brief, updated description of the proposed project, an updated location map, and lead agency contact information. Please note that pursuant to SB-18, a request for consultation must be received in writing within 90 days, on or before January 16, 2022, and shall provide the name of the tribe's designated lead contact person.

Project Description Update

The North Downtown Specific Plan (NDSP) area encompasses 191 acres and designates the proposed 6.2-acre Mixed Use Special District (Sites A, B, and C as shown in Exhibit 1) as well as the existing dealership site (Site D) and an approximately 0.82-acre property (Site E), located adjacent to Site A for Automobile

Sales/Service and Custom Manufacturing uses. The Applicant is proposing to amend the NDSP to create a new Auto Sales–Custom Manufacturing Mixed Use Special District overlay that would apply only to the 6.2-acre Mixed Use Special District (Sites A, B, and C as shown in Exhibit 1). These amendments would facilitate redevelopment of the approximately 6.2-acre site within the NDSP area (Sites A, B, and C, as shown in Exhibit 1), as well as the existing 1.42-acre site where Toyota Walnut Creek presently operates, Site D, and Site E. Sites D and E would be developed with uses consistent with the currently approved NDSP. The goal of the proposed amendments is to facilitate the retention, enhancement and long-term viability of the Applicant’s auto sales and service uses within the City in an economically viable manner by allowing for redevelopment of lands within the Mixed Use Special District with other multiple potential mixed uses including multi-family residential, hotel, or other non-residential uses compatible with automotive sales, service and ancillary uses.

In any redevelopment proposal under the NDSP (as amended), the Applicant would be required to retain and enhance its auto sales, service and ancillary uses in accordance with the criteria and policies set forth in the NDSP (as amended). Under all circumstances, the auto sales, service, and ancillary uses would include the following components: (1) sales (including administrative space), (2) service (including quick service, maintenance and repair (but not including any body work), detailing, car wash and administrative space), (3) parts (service and retail), and (4) inventory display.

The project site is located in the City of Walnut Creek, Contra Costa County, California. The project site is generally bounded by Pine Street (north), Civic Drive (east) Ygnacio Valley Road (south), and North Main Street (west).

Research Status

A CEQA Tribal Consultation List and search of the Sacred Lands File were requested the Native American Heritage Commission (NAHC) on July 22, 2021. On July 29, 2021, we received the NAHC response, indicating the results of the Sacred Lands search were negative. The list included the names and contact information of five tribal representatives, including yourself, that may be interested in consulting on the project pursuant to AB-52 and SB 18.

On July 27, 2021, a records search for the project site and a 0.5-mile radius beyond the project site boundary was conducted at the NWIC located at Sonoma State University in Rohnert Park, California. The current inventories of the National Register of Historic Places (NRHP), the California Register of Historical Resources (CRHR), the California Historical Landmarks (CHL) list, the California Points of Historical Interest (CPHI) list, and the California Built Environment Resource Directory (BERD) for Contra Costa County were also reviewed to determine the existence of previously documented local historical resources.

The results of the records search indicate that there are no previously recorded cultural resources or survey reports in the project site. There are four historic resources within a 0.5-mile radius of the project area. In addition, thirty-five survey reports are on file with the NWIC for a 0.5-mile radius of the project area. This suggests that while the project site itself has not been previously surveyed, the surrounding 0.5-mile radius have been assessed for cultural resources.

On September 2, 2021, and October 27, 2021 FCS Senior Archaeologist Dr. Dana DePietro and FCS Historian Ti Ngo conducted a pedestrian survey for unrecorded cultural resources within the project boundary. Sites A-E are completely developed and hardscaped, containing 12 structures relating to auto sales and maintenance, wrap around parking lots, associated infrastructure, and landscaping elements.

The survey began in the southwest corner of Site A and moved west across the sites, using north-south transects spaced at approximately 15-meter intervals whenever possible. Given the fully developed nature of Sites A-E, visibility of native soils was almost non-existent, however soils along the edges of the properties were closely inspected, and while highly disturbed, provided some information on soil profiles. Visible soils were largely composed of medium brown (Munsell 7.5YR 2.5) loam with moderate clay content, interspersed with small (2-3 cm) stones primarily composed of quartz and schist.

Survey conditions were documented using digital photographs and field notes. During the survey, Dr. DePietro and Mr. Ngo examined all areas of the exposed ground surface for prehistoric artifacts (e.g., fire-affected rock, milling tools, flaked stone tools, tool-making debris, ceramics), soil discoloration and depressions that might indicate the presence of a cultural midden, faunal and human osteological remains, and features indicative of the former presence of structures or buildings (e.g., postholes, standing exterior walls, foundations) or historic debris (e.g., glass, metal, ceramics). No historic or prehistoric artifacts, cultural resources, or raw materials commonly used in the manufacture of tools (e.g., obsidian, Franciscan chert, etc.) were observed within visible soils within the project site.

Contact Information

The City of Walnut Creek lead contact for SB-18 Consultation on this project is:

Chip Griffin
Senior Planner
City of Walnut Creek Community and
Economic Development Department
1666 North Main Street
Walnut Creek, CA 94596

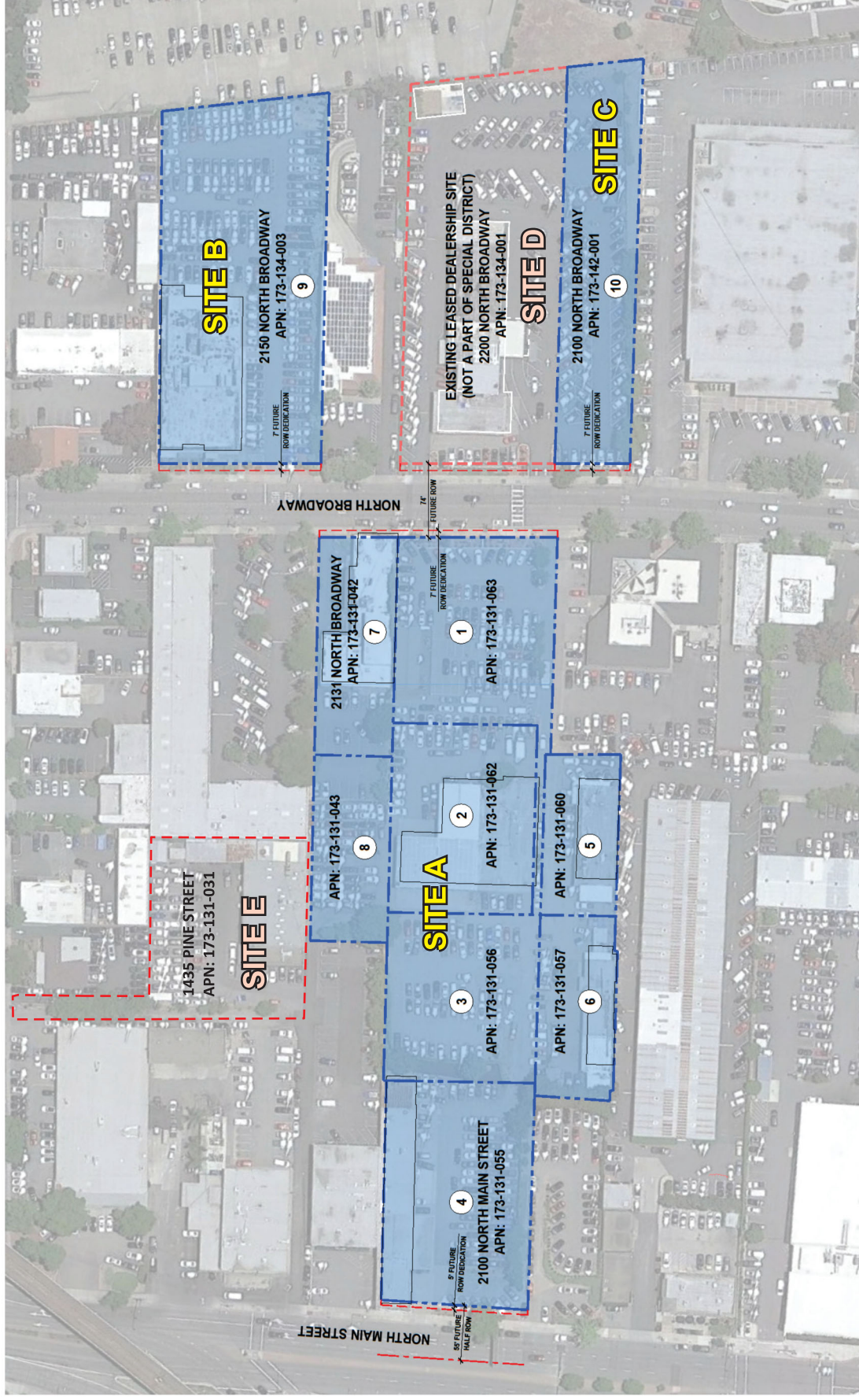
c/o Dana Douglas DePietro, Ph.D.
Senior Archaeologist
FirstCarbon Solutions
1350 Treat Boulevard, Ste. 380
Walnut Creek, CA 94597

If the Muwekma Ohlone Indian Tribe of the SF Bay Area wishes to consult with the City regarding the Walnut Creek – Mixed Use Special District project, please indicate in writing via letter or email addressed to the lead contact provided above within 90 days (on or before January 16, 2022) and provide the name of the tribe's designated lead contact person.

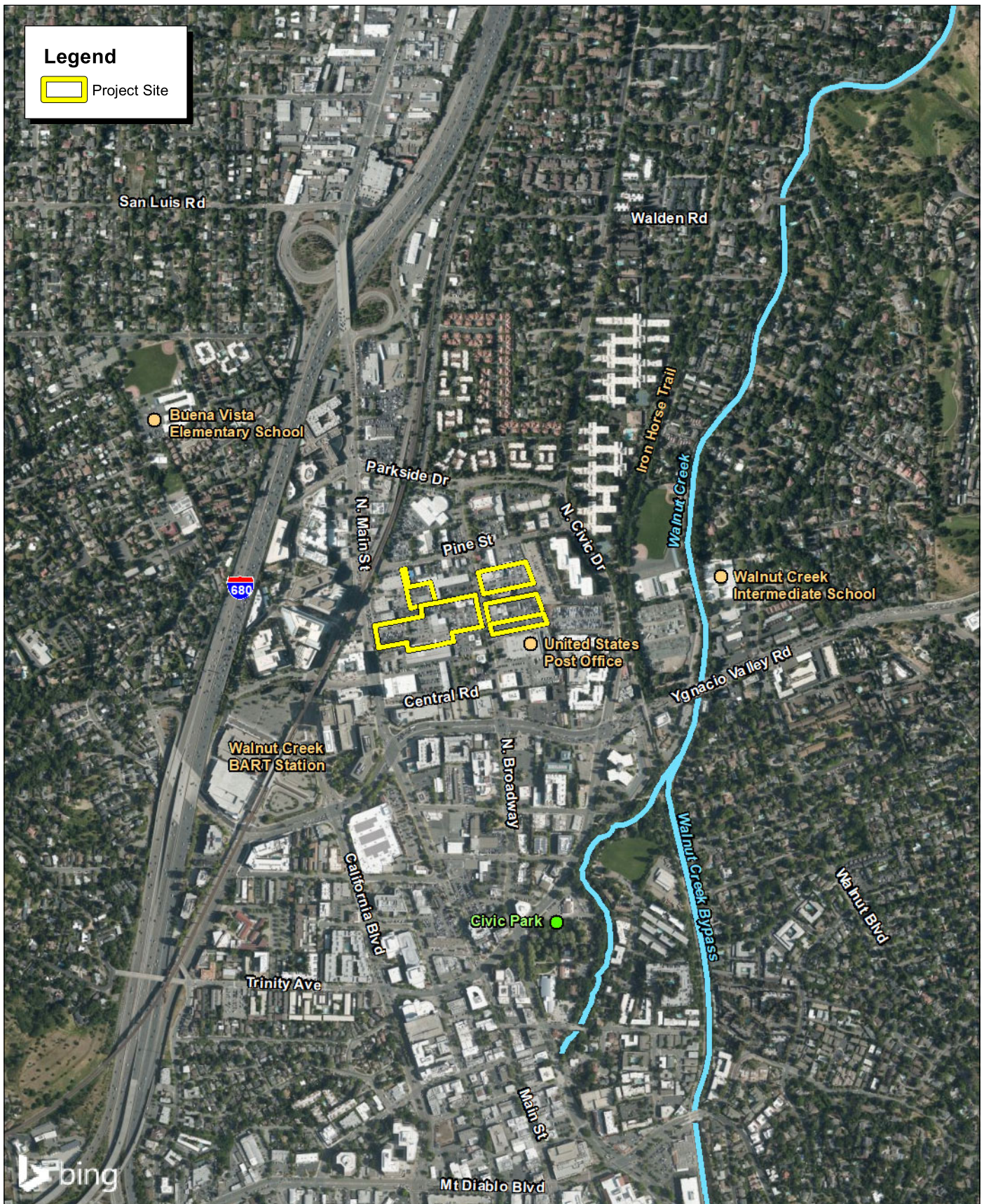
Sincerely,

Chip Griffin
Senior Planner

Enclosures: Exhibit 1: Existing Site Information
 Local Vicinity Map
 NAHC Response Letter



SPECIAL DISTRICT PARCEL
REFERENCE NUMBERS



Source: bing Aerial Imagery.





NATIVE AMERICAN HERITAGE COMMISSION

July 27, 2021

Dr. Dana DePietro
First Carbon Solutions

Via Email to: ddepietro@fcs-intl.com

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nahc@nahc.ca.gov
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Re: Native American Tribal Consultation, Pursuant to the Assembly Bill 52 (AB 52), Amendments to the California Environmental Quality Act (CEQA) (Chapter 532, Statutes of 2014), Public Resources Code Sections 5097.94 (m), 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2 and 21084.3, Walnut Creek-Mixed Use Special District, Contra Costa County

To Dr. DePietro:

Pursuant to Public Resources Code section 21080.3.1 (c), attached is a consultation list of tribes that are traditionally and culturally affiliated with the geographic area of the above-listed project. Please note that the intent of the AB 52 amendments to CEQA is to avoid and/or mitigate impacts to tribal cultural resources, (Pub. Resources Code §21084.3 (a)) ("Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource.")

Public Resources Code sections 21080.3.1 and 21084.3(c) require CEQA lead agencies to consult with California Native American tribes that have requested notice from such agencies of proposed projects in the geographic area that are traditionally and culturally affiliated with the tribes on projects for which a Notice of Preparation or Notice of Negative Declaration or Mitigated Negative Declaration has been filed on or after July 1, 2015. Specifically, Public Resources Code section 21080.3.1 (d) provides:

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

The AB 52 amendments to CEQA law does not preclude initiating consultation with the tribes that are culturally and traditionally affiliated within your jurisdiction prior to receiving requests for notification of projects in the tribe's areas of traditional and cultural affiliation. The Native American Heritage Commission (NAHC) recommends, but does not require, early consultation as a best practice to ensure that lead agencies receive sufficient information about cultural resources in a project area to avoid damaging effects to tribal cultural resources.

The NAHC also recommends, but does not require that agencies should also include with their notification letters, information regarding any cultural resources assessment that has been completed on the area of potential effect (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 that have already been recorded on or adjacent to the APE, such as known archaeological sites;
- Copies of any and all cultural resource records and study reports that may have been provided by the Information Center as part of the records search response;
- Whether the records search indicates a low, moderate, or high probability that unrecorded cultural resources are located in the APE; and
- If a survey is recommended by the Information Center to determine whether previously unrecorded cultural resources are present.

2. The results of any archaeological inventory survey that was conducted, including:

- Any report that may contain site forms, site significance, and suggested mitigation measures.

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

3. The result of any Sacred Lands File (SLF) check conducted through the Native American Heritage Commission was negative.

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

5. Any geotechnical reports regarding all or part of the APE.

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

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

If you receive notification of change of addresses and phone numbers from tribes, please notify the NAHC. With your assistance, we can assure that our consultation list remains current.

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

Sincerely,



Katy Sanchez
Associate Environmental Planner

Attachment

Native American Heritage Commission
Native American Contacts List
July 27, 2021

Amah Mutsun Tribal Band of Mission San Juan Bautista Irene Zwielerlein, Chairperson 3030 Soda Bay Road Lakeport ,CA 95453 amahmutsuntribal@gmail.com (650) 851-7489 Cell (650) 332-1526 Fax	Ohlone/Costanoan	Muwekma Ohlone Indian Tribe of the SF Bay Area Monica Arellano, Vice Chairwoman 20885 Redwood Road, Suite 232 Castro Valley ,CA 94546 marellano@muwekma.org (408) 205-9714	Ohlone / Costanoan
Chicken Ranch Rancheria of Me-Wuk Indians Lloyd Mathiesen, Chairperson P.O. Box 1159 Jamestown ,CA 95327 lmathiesen@crttribal.com (209) 984-9066 (209) 984-9269	Miwok - Me-wuk	North Valley Yokuts Tribe Katherine Erolinda Perez, Chairperson P.O. Box 717 Linden ,CA 95236 canutes@verizon.net (209) 887-3415 (209) 649-8972 (cell)	Ohlone/Costanoan Northern Valley Yokuts Bay Miwok
Guidiville Indian Rancheria Donald Duncan, Chairperson P.O. Box 339 Talmage ,CA 95481 admin@guidiville.net (707) 462-3682 (707) 462-9183 Fax	Pomo	North Valley Yokuts Tribe Timothy Perez, MLD Contact P.O. Box 717 Linden ,CA 95236 huskanam@gmail.com (209) 662-2788	Ohlone/Costanoan Northern Valley Yokuts Bay Miwok
Indian Canyon Mutsun Band of Costanoan Kanyon Sayers-Roods 1615 Pearson Court San Jose ,CA 95122 kanyon@kanyonconsulting.com 408-673-0626	Ohlone/Costanoan	The Confederated Villages of Lisjan Corrina Gould, Chairperson 10926 Edes Avenue Oakland ,CA 94603 cvltribe@gmail.com (510) 575-8408	Ohlone/Costanoan
Indian Canyon Mutsun Band of Costanoan Ann Marie Sayers, Chairperson P.O. Box 28 Hollister ,CA 95024 ams@indiancanyon.org (831) 637-4238	Ohlone/Costanoan	The Ohlone Indian Tribe Andrew Galvan P.O. Box 3388 Fremont ,CA 94539 chochenyo@AOL.com (510) 882-0527 Cell (510) 687-9393 Fax	Ohlone Bay Miwok Plains Miwok Patwin

Native American Heritage Commission
Native American Contacts List
July 27, 2021

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Elk Grove, CA 95624
jtarango@wiltonrancheria-nsn.gov
(916) 683-6000 Office
(916) 683-6015 Fax

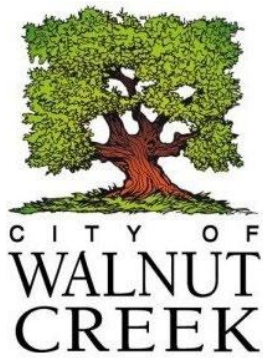
Miwok

Wilton Rancheria
Dahlton Brown, Director of Administration
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(916) 683-6015 Fax

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(916) 683-6015 Fax

Miwok



November 16, 2021

Wilton Rancheria
Dahlton Brown, Director of Administration
9728 Kent Street
Elk Grove, CA 95624

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Senior Planner
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Walnut Creek, CA 94596

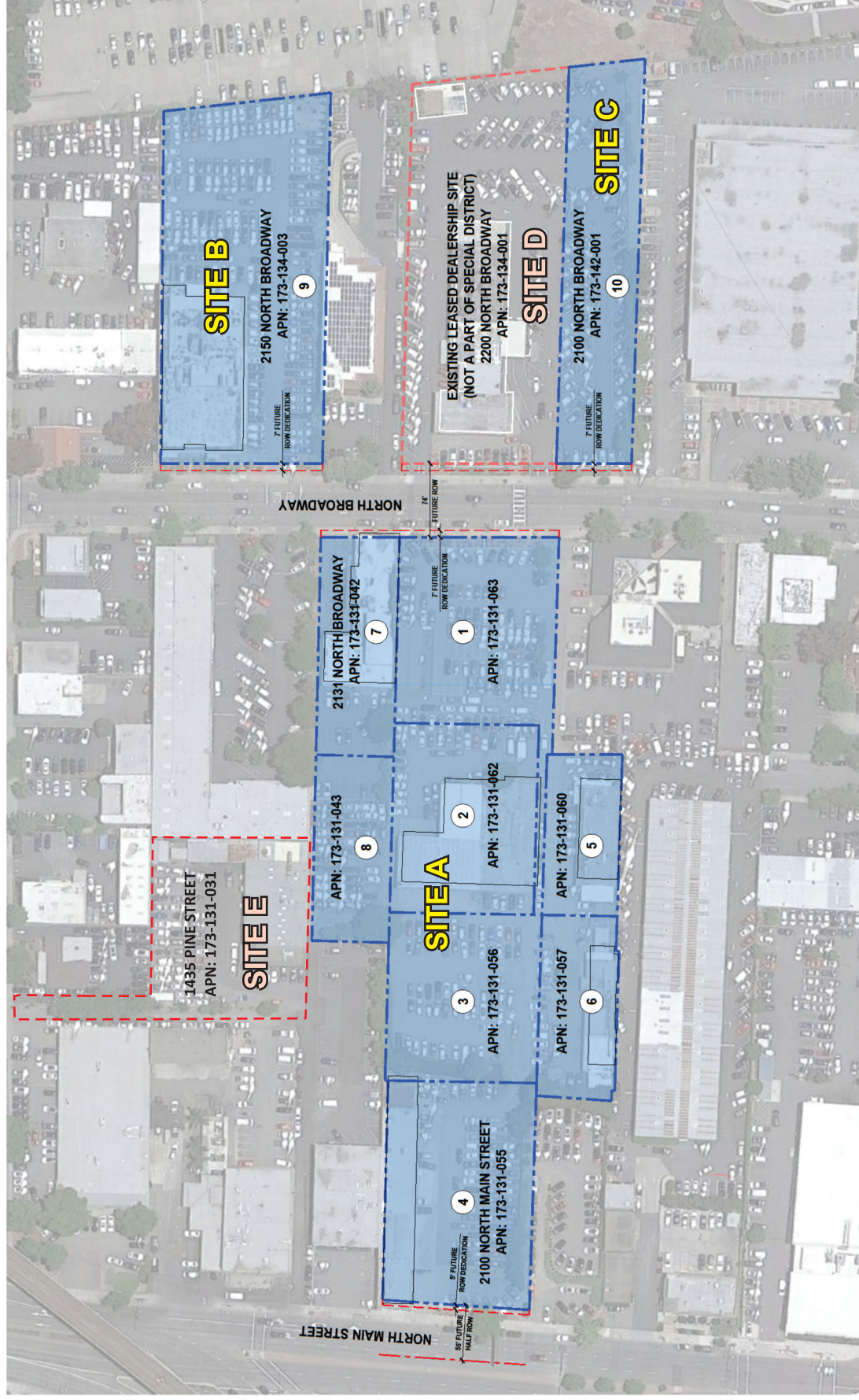
c/o Dana Douglas DePietro, Ph.D.
Senior Archaeologist
FirstCarbon Solutions
1350 Treat Boulevard, Ste. 380
Walnut Creek, CA 94597

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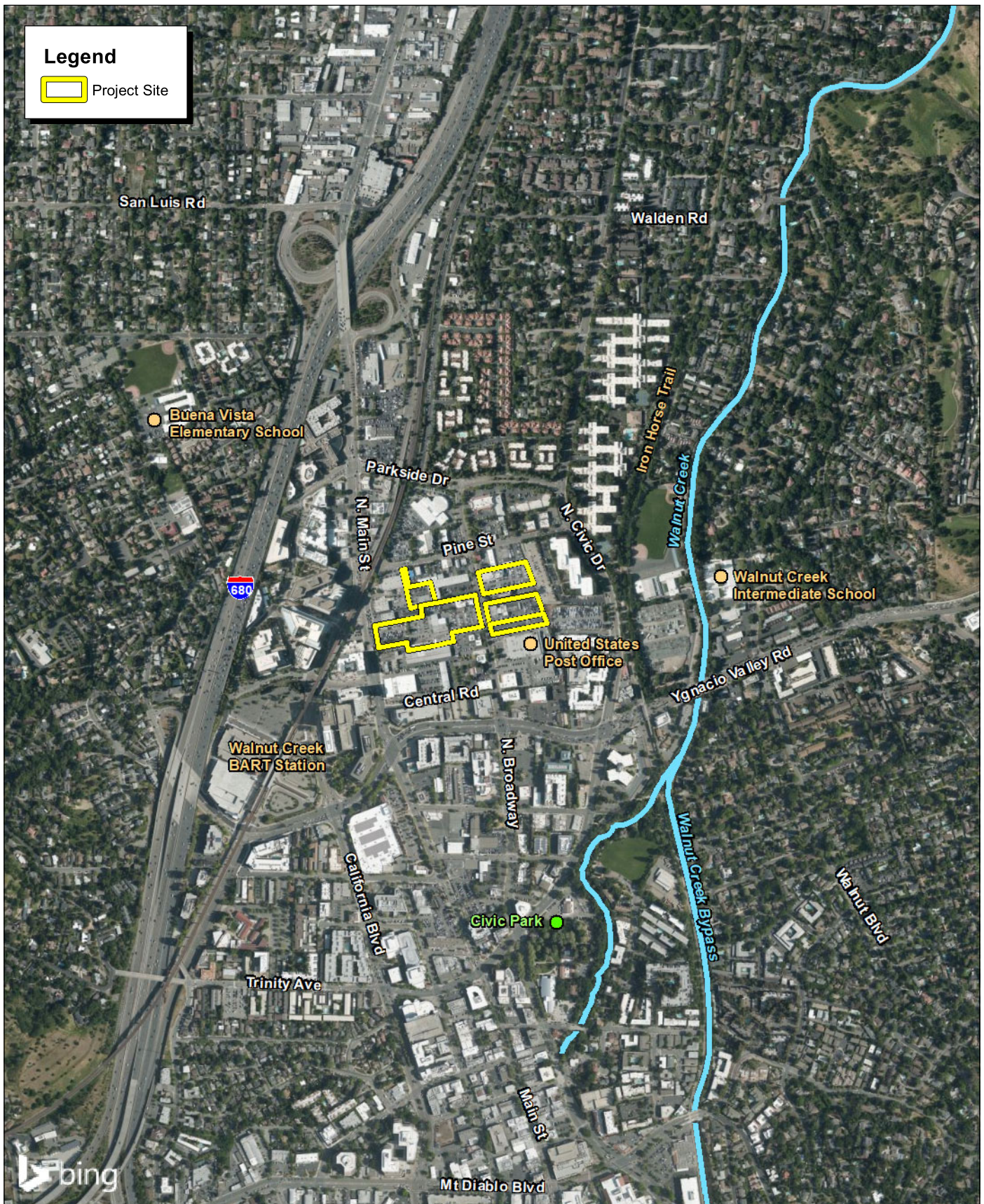
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 Local Vicinity Map
 NAHC Response Letter



SPECIAL DISTRICT PARCEL
REFERENCE NUMBERS

Existing Site Information

CITY OF WALNUT CREEK
WALNUT CREEK MIXED USE SPECIAL DISTRICT PROJECT



Source: bing Aerial Imagery.





NATIVE AMERICAN HERITAGE COMMISSION

July 27, 2021

Dr. Dana DePietro
First Carbon Solutions

Via Email to: ddepietro@fcs-intl.com

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Chumash

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Luiseño

PARLIAMENTARIAN
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Karuk

COMMISSIONER
William Mungary
Paiute/White Mountain
Apache

COMMISSIONER
Julie Tumamait-Stenslie
Chumash

COMMISSIONER
[Vacant]

COMMISSIONER
[Vacant]

COMMISSIONER
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5. Any geotechnical reports regarding all or part of the APE.

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If you receive notification of change of addresses and phone numbers from tribes, please notify the NAHC. With your assistance, we can assure that our consultation list remains current.

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

Sincerely,



Katy Sanchez
Associate Environmental Planner

Attachment

Native American Heritage Commission
Native American Contacts List
July 27, 2021

Amah Mutsun Tribal Band of Mission San Juan Bautista Irene Zwierlein, Chairperson 3030 Soda Bay Road Lakeport ,CA 95453 amahmutsuntribal@gmail.com (650) 851-7489 Cell (650) 332-1526 Fax	Ohlone/Costanoan	Muwekma Ohlone Indian Tribe of the SF Bay Area Monica Arellano, Vice Chairwoman 20885 Redwood Road, Suite 232 Castro Valley ,CA 94546 marellano@muwekma.org (408) 205-9714	Ohlone / Costanoan
Chicken Ranch Rancheria of Me-Wuk Indians Lloyd Mathiesen, Chairperson P.O. Box 1159 Jamestown ,CA 95327 lmathiesen@crttribal.com (209) 984-9066 (209) 984-9269	Miwok - Me-wuk	North Valley Yokuts Tribe Katherine Erolinda Perez, Chairperson P.O. Box 717 Linden ,CA 95236 canutes@verizon.net (209) 887-3415 (209) 649-8972 (cell)	Ohlone/Costanoan Northern Valley Yokuts Bay Miwok
Guidiville Indian Rancheria Donald Duncan, Chairperson P.O. Box 339 Talmage ,CA 95481 admin@guidiville.net (707) 462-3682 (707) 462-9183 Fax	Pomo	North Valley Yokuts Tribe Timothy Perez, MLD Contact P.O. Box 717 Linden ,CA 95236 huskanam@gmail.com (209) 662-2788	Ohlone/Costanoan Northern Valley Yokuts Bay Miwok
Indian Canyon Mutsun Band of Costanoan Kanyon Sayers-Roods 1615 Pearson Court San Jose ,CA 95122 kanyon@kanyonconsulting.com 408-673-0626	Ohlone/Costanoan	The Confederated Villages of Lisjan Corrina Gould, Chairperson 10926 Edes Avenue Oakland ,CA 94603 cvltribe@gmail.com (510) 575-8408	Ohlone/Costanoan
Indian Canyon Mutsun Band of Costanoan Ann Marie Sayers, Chairperson P.O. Box 28 Hollister ,CA 95024 ams@indiancanyon.org (831) 637-4238	Ohlone/Costanoan	The Ohlone Indian Tribe Andrew Galvan P.O. Box 3388 Fremont ,CA 94539 chochenyo@AOL.com (510) 882-0527 Cell (510) 687-9393 Fax	Ohlone Bay Miwok Plains Miwok Patwin

Native American Heritage Commission
Native American Contacts List
July 27, 2021

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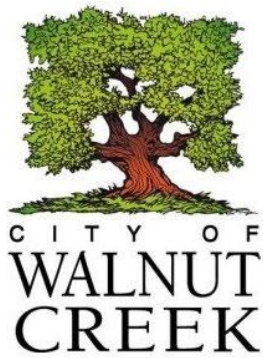
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Miwok



November 16, 2021

Guidiville Indian Rancheria
Donald Duncan, Chairperson
P.O. Box 339
Talmage, CA 95481

Subject: Project Update: Walnut Creek – Mixed Use Special District Project in the City of Walnut Creek

Dear Chairperson Donald Duncan,

After receiving your contact information from the Native American Heritage Commission (NAHC), the City of Walnut Creek sent two formal letters containing project information and an invitation to consult on the proposed Walnut Creek – Mixed Special Use District Project (proposed project). The first letter was sent on October 8, 2021, pursuant to Public Resources Code Section 21080.3.1 and 21080.3.2, Assembly Bill (AB) 52. Because the proposed project would also include a General Plan Amendment, a follow-up letter was sent on November 4, 2021, that included an invitation to consult on the project pursuant to Government Code Section 65351 Senate Bill (SB) 18.

The proposed project is located in the City of Walnut Creek, Contra Costa County, CA and is subject to compliance with the California Environmental Quality Act (CEQA). The City of Walnut Creek is the lead CEQA agency responsible for consulting with California Native American Tribes pursuant to both AB-52 and SB-18.

This third notification serves as an update to the proposed project description. Accordingly, this letter provides a brief, updated description of the proposed project, an updated location map, and lead agency contact information. Please note that pursuant to SB-18, a request for consultation must be received in writing within 90 days, on or before January 16, 2022, and shall provide the name of the tribe's designated lead contact person.

Project Description Update

The North Downtown Specific Plan (NDSP) area encompasses 191 acres and designates the proposed 6.2-acre Mixed Use Special District (Sites A, B, and C as shown in Exhibit 1) as well as the existing dealership site (Site D) and an approximately 0.82-acre property (Site E), located adjacent to Site A for Automobile

Sales/Service and Custom Manufacturing uses. The Applicant is proposing to amend the NDSP to create a new Auto Sales–Custom Manufacturing Mixed Use Special District overlay that would apply only to the 6.2-acre Mixed Use Special District (Sites A, B, and C as shown in Exhibit 1). These amendments would facilitate redevelopment of the approximately 6.2-acre site within the NDSP area (Sites A, B, and C, as shown in Exhibit 1), as well as the existing 1.42-acre site where Toyota Walnut Creek presently operates, Site D, and Site E. Sites D and E would be developed with uses consistent with the currently approved NDSP. The goal of the proposed amendments is to facilitate the retention, enhancement and long-term viability of the Applicant’s auto sales and service uses within the City in an economically viable manner by allowing for redevelopment of lands within the Mixed Use Special District with other multiple potential mixed uses including multi-family residential, hotel, or other non-residential uses compatible with automotive sales, service and ancillary uses.

In any redevelopment proposal under the NDSP (as amended), the Applicant would be required to retain and enhance its auto sales, service and ancillary uses in accordance with the criteria and policies set forth in the NDSP (as amended). Under all circumstances, the auto sales, service, and ancillary uses would include the following components: (1) sales (including administrative space), (2) service (including quick service, maintenance and repair (but not including any body work), detailing, car wash and administrative space), (3) parts (service and retail), and (4) inventory display.

The project site is located in the City of Walnut Creek, Contra Costa County, California. The project site is generally bounded by Pine Street (north), Civic Drive (east) Ygnacio Valley Road (south), and North Main Street (west).

Research Status

A CEQA Tribal Consultation List and search of the Sacred Lands File were requested the Native American Heritage Commission (NAHC) on July 22, 2021. On July 29, 2021, we received the NAHC response, indicating the results of the Sacred Lands search were negative. The list included the names and contact information of five tribal representatives, including yourself, that may be interested in consulting on the project pursuant to AB-52 and SB 18.

On July 27, 2021, a records search for the project site and a 0.5-mile radius beyond the project site boundary was conducted at the NWIC located at Sonoma State University in Rohnert Park, California. The current inventories of the National Register of Historic Places (NRHP), the California Register of Historical Resources (CRHR), the California Historical Landmarks (CHL) list, the California Points of Historical Interest (CPHI) list, and the California Built Environment Resource Directory (BERD) for Contra Costa County were also reviewed to determine the existence of previously documented local historical resources.

The results of the records search indicate that there are no previously recorded cultural resources or survey reports in the project site. There are four historic resources within a 0.5-mile radius of the project area. In addition, thirty-five survey reports are on file with the NWIC for a 0.5-mile radius of the project area. This suggests that while the project site itself has not been previously surveyed, the surrounding 0.5-mile radius have been assessed for cultural resources.

On September 2, 2021, and October 27, 2021 FCS Senior Archaeologist Dr. Dana DePietro and FCS Historian Ti Ngo conducted a pedestrian survey for unrecorded cultural resources within the project boundary. Sites A-E are completely developed and hardscaped, containing 12 structures relating to auto sales and maintenance, wrap around parking lots, associated infrastructure, and landscaping elements.

The survey began in the southwest corner of Site A and moved west across the sites, using north-south transects spaced at approximately 15-meter intervals whenever possible. Given the fully developed nature of Sites A-E, visibility of native soils was almost non-existent, however soils along the edges of the properties were closely inspected, and while highly disturbed, provided some information on soil profiles. Visible soils were largely composed of medium brown (Munsell 7.5YR 2.5) loam with moderate clay content, interspersed with small (2-3 cm) stones primarily composed of quartz and schist.

Survey conditions were documented using digital photographs and field notes. During the survey, Dr. DePietro and Mr. Ngo examined all areas of the exposed ground surface for prehistoric artifacts (e.g., fire-affected rock, milling tools, flaked stone tools, tool-making debris, ceramics), soil discoloration and depressions that might indicate the presence of a cultural midden, faunal and human osteological remains, and features indicative of the former presence of structures or buildings (e.g., postholes, standing exterior walls, foundations) or historic debris (e.g., glass, metal, ceramics). No historic or prehistoric artifacts, cultural resources, or raw materials commonly used in the manufacture of tools (e.g., obsidian, Franciscan chert, etc.) were observed within visible soils within the project site.

Contact Information

The City of Walnut Creek lead contact for SB-18 Consultation on this project is:

Chip Griffin
Senior Planner
City of Walnut Creek Community and
Economic Development Department
1666 North Main Street
Walnut Creek, CA 94596

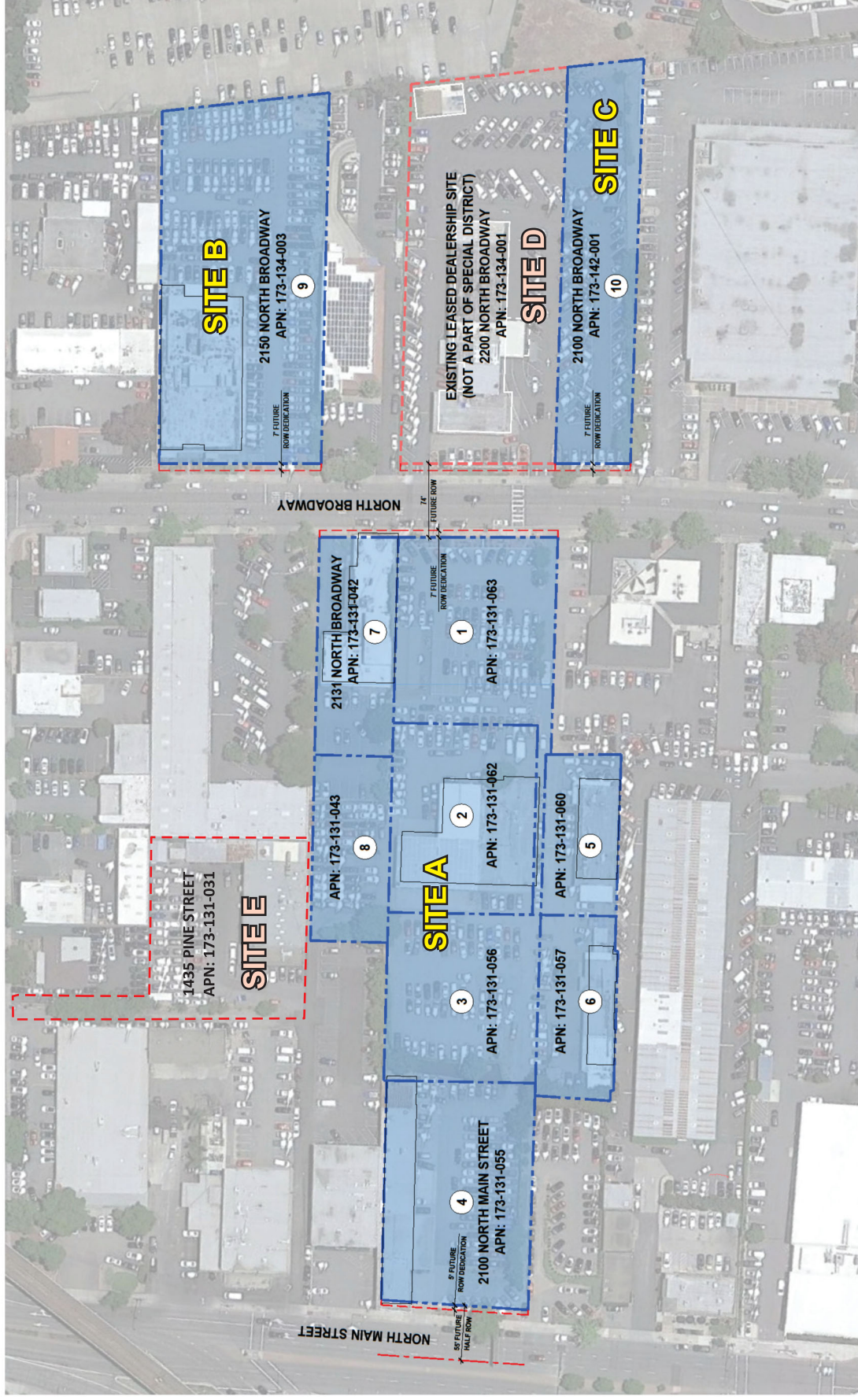
c/o Dana Douglas DePietro, Ph.D.
Senior Archaeologist
FirstCarbon Solutions
1350 Treat Boulevard, Ste. 380
Walnut Creek, CA 94597

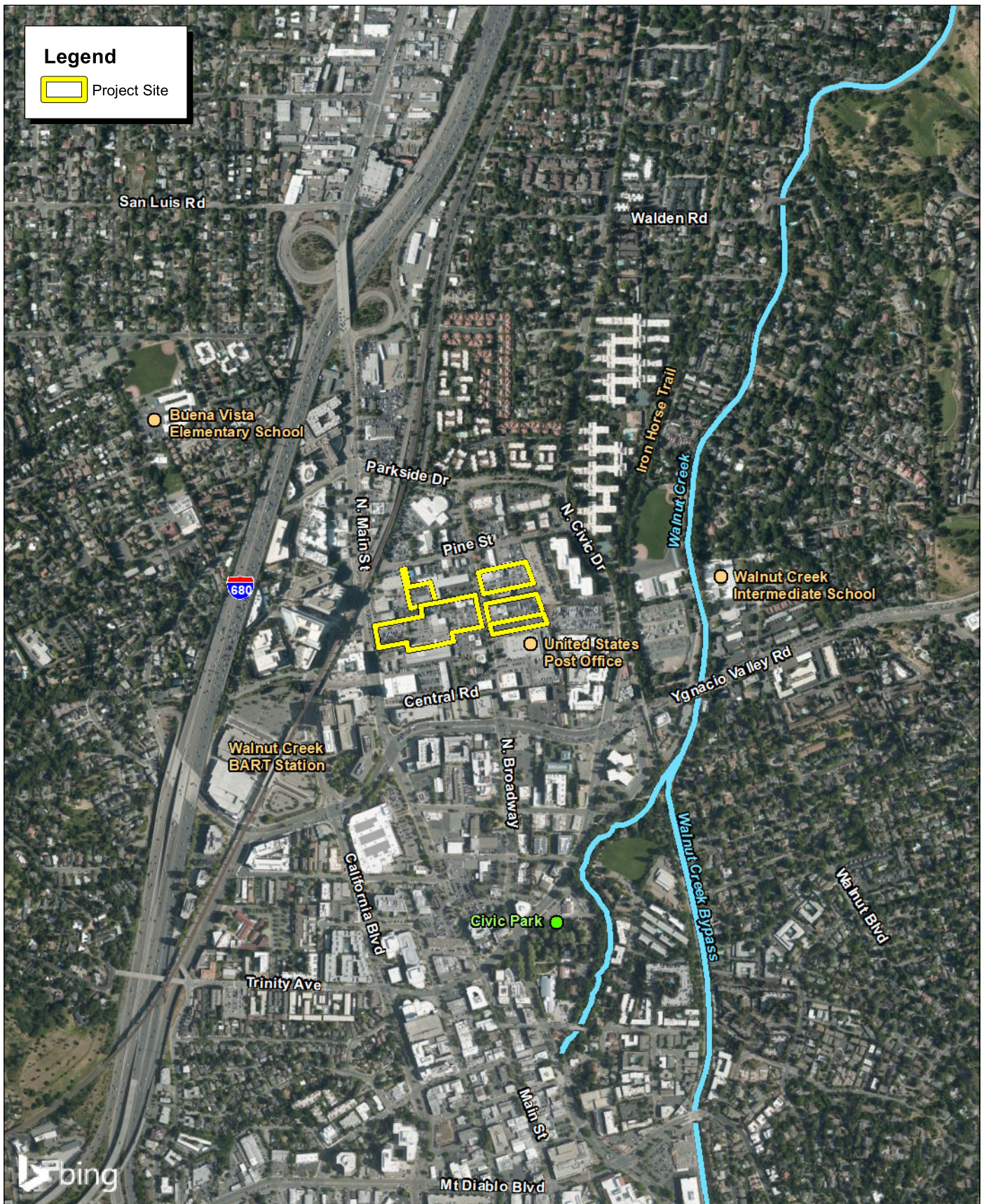
If the Guidiville Indian Rancheria wishes to consult with the City regarding the Walnut Creek – Mixed Use Special District project, please indicate in writing via letter or email addressed to the lead contact provided above within 90 days (on or before January 16, 2022) and provide the name of the tribe's designated lead contact person.

Sincerely,

Chip Griffin
Senior Planner

Enclosures: Exhibit 1: Existing Site Information
 Local Vicinity Map
 NAHC Response Letter





Source: bing Aerial Imagery.





NATIVE AMERICAN HERITAGE COMMISSION

July 27, 2021

Dr. Dana DePietro
First Carbon Solutions

Via Email to: ddepietro@fcs-intl.com

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Pomo

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NAHC.ca.gov

Re: Native American Tribal Consultation, Pursuant to the Assembly Bill 52 (AB 52), Amendments to the California Environmental Quality Act (CEQA) (Chapter 532, Statutes of 2014), Public Resources Code Sections 5097.94 (m), 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2 and 21084.3, Walnut Creek-Mixed Use Special District, Contra Costa County

To Dr. DePietro:

Pursuant to Public Resources Code section 21080.3.1 (c), attached is a consultation list of tribes that are traditionally and culturally affiliated with the geographic area of the above-listed project. Please note that the intent of the AB 52 amendments to CEQA is to avoid and/or mitigate impacts to tribal cultural resources, (Pub. Resources Code §21084.3 (a)) ("Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource.")

Public Resources Code sections 21080.3.1 and 21084.3(c) require CEQA lead agencies to consult with California Native American tribes that have requested notice from such agencies of proposed projects in the geographic area that are traditionally and culturally affiliated with the tribes on projects for which a Notice of Preparation or Notice of Negative Declaration or Mitigated Negative Declaration has been filed on or after July 1, 2015. Specifically, Public Resources Code section 21080.3.1 (d) provides:

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

The AB 52 amendments to CEQA law does not preclude initiating consultation with the tribes that are culturally and traditionally affiliated within your jurisdiction prior to receiving requests for notification of projects in the tribe's areas of traditional and cultural affiliation. The Native American Heritage Commission (NAHC) recommends, but does not require, early consultation as a best practice to ensure that lead agencies receive sufficient information about cultural resources in a project area to avoid damaging effects to tribal cultural resources.

The NAHC also recommends, but does not require that agencies should also include with their notification letters, information regarding any cultural resources assessment that has been completed on the area of potential effect (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 that have already been recorded on or adjacent to the APE, such as known archaeological sites;
- Copies of any and all cultural resource records and study reports that may have been provided by the Information Center as part of the records search response;
- Whether the records search indicates a low, moderate, or high probability that unrecorded cultural resources are located in the APE; and
- If a survey is recommended by the Information Center to determine whether previously unrecorded cultural resources are present.

2. The results of any archaeological inventory survey that was conducted, including:

- Any report that may contain site forms, site significance, and suggested mitigation measures.

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

3. The result of any Sacred Lands File (SLF) check conducted through the Native American Heritage Commission was negative.

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

5. Any geotechnical reports regarding all or part of the APE.

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

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

If you receive notification of change of addresses and phone numbers from tribes, please notify the NAHC. With your assistance, we can assure that our consultation list remains current.

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

Sincerely,



Katy Sanchez
Associate Environmental Planner

Attachment

Native American Heritage Commission
Native American Contacts List
July 27, 2021

Amah Mutsun Tribal Band of Mission San Juan Bautista Irene Zwielerlein, Chairperson 3030 Soda Bay Road Lakeport ,CA 95453 amahmutsuntribal@gmail.com (650) 851-7489 Cell (650) 332-1526 Fax	Ohlone/Costanoan	Muwekma Ohlone Indian Tribe of the SF Bay Area Monica Arellano, Vice Chairwoman 20885 Redwood Road, Suite 232 Castro Valley ,CA 94546 marellano@muwekma.org (408) 205-9714	Ohlone / Costanoan
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Native American Contacts List
July 27, 2021

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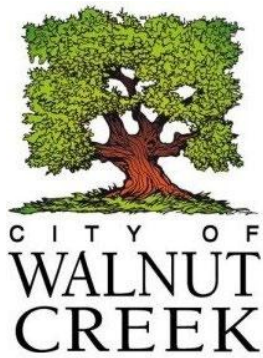
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November 16, 2021

The Ohlone Indian Tribe
Andrew Galvan
P.O. Box 3388
Fremont, CA 94539

Subject: Project Update: Walnut Creek – Mixed Use Special District Project in the City of Walnut Creek

Dear Andrew Galvan,

After receiving your contact information from the Native American Heritage Commission (NAHC), the City of Walnut Creek sent two formal letters containing project information and an invitation to consult on the proposed Walnut Creek – Mixed Special Use District Project (proposed project). The first letter was sent on October 8, 2021, pursuant to Public Resources Code Section 21080.3.1 and 21080.3.2, Assembly Bill (AB) 52. Because the proposed project would also include a General Plan Amendment, a follow-up letter was sent on November 4, 2021, that included an invitation to consult on the project pursuant to Government Code Section 65351 Senate Bill (SB) 18.

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Contact Information

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Chip Griffin
Senior Planner
City of Walnut Creek Community and
Economic Development Department
1666 North Main Street
Walnut Creek, CA 94596

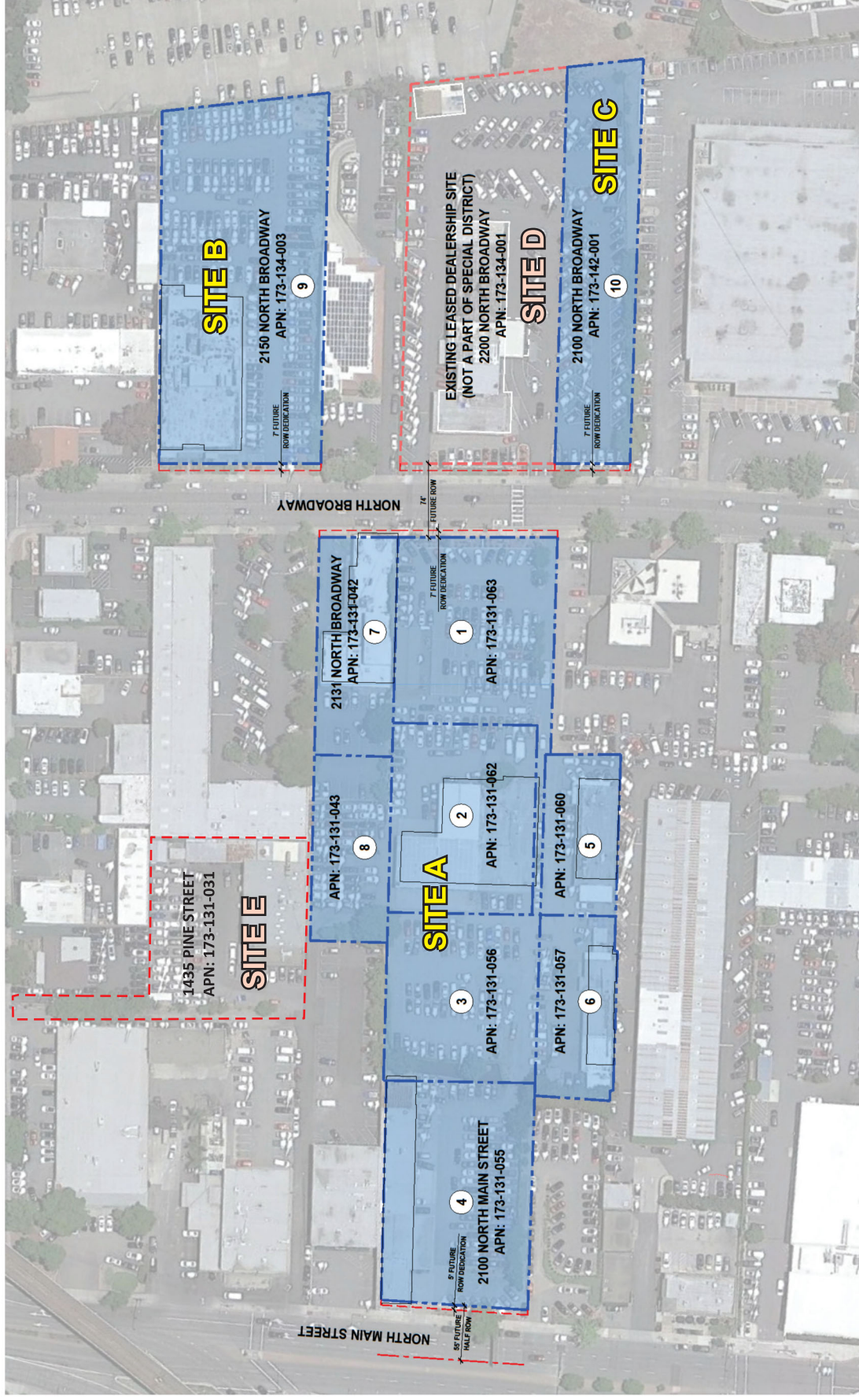
c/o Dana Douglas DePietro, Ph.D.
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FirstCarbon Solutions
1350 Treat Boulevard, Ste. 380
Walnut Creek, CA 94597

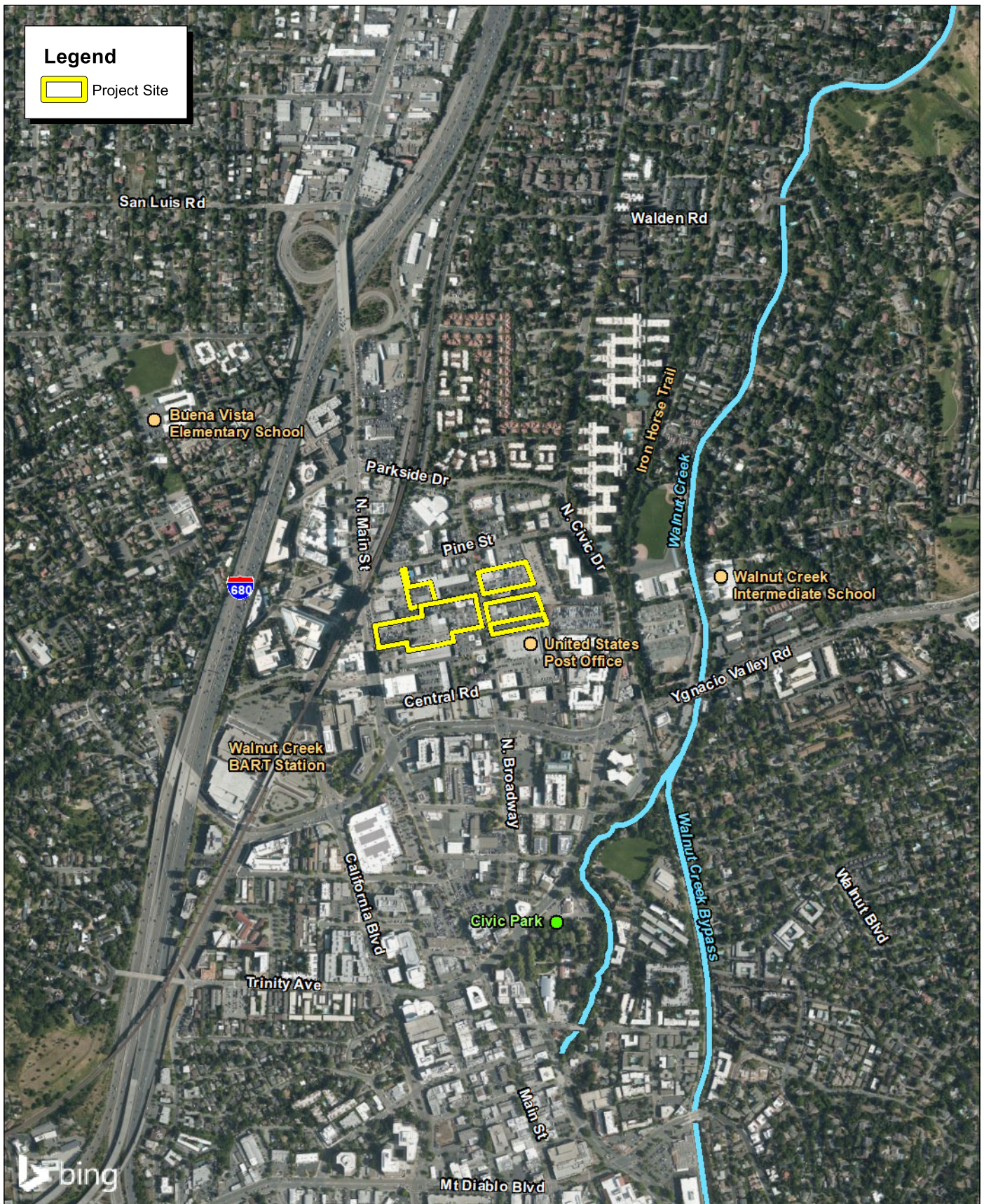
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Sincerely,

Chip Griffin
Senior Planner

Enclosures: Exhibit 1: Existing Site Information
 Local Vicinity Map
 NAHC Response Letter





Source: bing Aerial Imagery.

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Local Vicinity Map



NATIVE AMERICAN HERITAGE COMMISSION

July 27, 2021

Dr. Dana DePietro
First Carbon Solutions

Via Email to: ddepietro@fcs-intl.com

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Re: Native American Tribal Consultation, Pursuant to the Assembly Bill 52 (AB 52), Amendments to the California Environmental Quality Act (CEQA) (Chapter 532, Statutes of 2014), Public Resources Code Sections 5097.94 (m), 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2 and 21084.3, Walnut Creek-Mixed Use Special District, Contra Costa County

To Dr. DePietro:

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- If a survey is recommended by the Information Center to determine whether previously unrecorded cultural resources are present.

2. The results of any archaeological inventory survey that was conducted, including:

- Any report that may contain site forms, site significance, and suggested mitigation measures.

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

3. The result of any Sacred Lands File (SLF) check conducted through the Native American Heritage Commission was negative.

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

5. Any geotechnical reports regarding all or part of the APE.

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

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

If you receive notification of change of addresses and phone numbers from tribes, please notify the NAHC. With your assistance, we can assure that our consultation list remains current.

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

Sincerely,



Katy Sanchez
Associate Environmental Planner

Attachment

Native American Heritage Commission
Native American Contacts List
July 27, 2021

Amah Mutsun Tribal Band of Mission San Juan Bautista Irene Zwierlein, Chairperson 3030 Soda Bay Road Lakeport ,CA 95453 amahmutsuntribal@gmail.com (650) 851-7489 Cell (650) 332-1526 Fax	Ohlone/Costanoan	Muwekma Ohlone Indian Tribe of the SF Bay Area Monica Arellano, Vice Chairwoman 20885 Redwood Road, Suite 232 Castro Valley ,CA 94546 marellano@muwekma.org (408) 205-9714	Ohlone / Costanoan
Chicken Ranch Rancheria of Me-Wuk Indians Lloyd Mathiesen, Chairperson P.O. Box 1159 Jamestown ,CA 95327 lmathiesen@crttribal.com (209) 984-9066 (209) 984-9269	Miwok - Me-wuk	North Valley Yokuts Tribe Katherine Erolinda Perez, Chairperson P.O. Box 717 Linden ,CA 95236 canutes@verizon.net (209) 887-3415 (209) 649-8972 (cell)	Ohlone/Costanoan Northern Valley Yokuts Bay Miwok
Guidiville Indian Rancheria Donald Duncan, Chairperson P.O. Box 339 Talmage ,CA 95481 admin@guidiville.net (707) 462-3682 (707) 462-9183 Fax	Pomo	North Valley Yokuts Tribe Timothy Perez, MLD Contact P.O. Box 717 Linden ,CA 95236 huskanam@gmail.com (209) 662-2788	Ohlone/Costanoan Northern Valley Yokuts Bay Miwok
Indian Canyon Mutsun Band of Costanoan Kanyon Sayers-Roods 1615 Pearson Court San Jose ,CA 95122 kanyon@kanyonconsulting.com 408-673-0626	Ohlone/Costanoan	The Confederated Villages of Lisjan Corrina Gould, Chairperson 10926 Edes Avenue Oakland ,CA 94603 cvltribe@gmail.com (510) 575-8408	Ohlone/Costanoan
Indian Canyon Mutsun Band of Costanoan Ann Marie Sayers, Chairperson P.O. Box 28 Hollister ,CA 95024 ams@indiancanyon.org (831) 637-4238	Ohlone/Costanoan	The Ohlone Indian Tribe Andrew Galvan P.O. Box 3388 Fremont ,CA 94539 chochenyo@AOL.com (510) 882-0527 Cell (510) 687-9393 Fax	Ohlone Bay Miwok Plains Miwok Patwin

Native American Heritage Commission
Native American Contacts List
July 27, 2021

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Elk Grove, CA 95624
jtarango@wiltonrancheria-nsn.gov
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(916) 683-6015 Fax

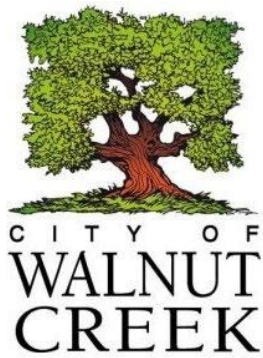
Miwok

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(916) 683-6015 Fax

Miwok



November 16, 2021

The Confederated Villages of Lisjan
Corrina Gould, Chairperson
10926 Edes Avenue
Oakland, CA 94603

Subject: Project Update: Walnut Creek – Mixed Use Special District Project in the City of Walnut Creek

Dear Chairperson Gould,

After receiving your contact information from the Native American Heritage Commission (NAHC), the City of Walnut Creek sent two formal letters containing project information and an invitation to consult on the proposed Walnut Creek – Mixed Special Use District Project (proposed project). The first letter was sent on October 8, 2021, pursuant to Public Resources Code Section 21080.3.1 and 21080.3.2, Assembly Bill (AB) 52. Because the proposed project would also include a General Plan Amendment, a follow-up letter was sent on November 4, 2021, that included an invitation to consult on the project pursuant to Government Code Section 65351 Senate Bill (SB) 18.

The proposed project is located in the City of Walnut Creek, Contra Costa County, CA and is subject to compliance with the California Environmental Quality Act (CEQA). The City of Walnut Creek is the lead CEQA agency responsible for consulting with California Native American Tribes pursuant to both AB-52 and SB-18.

This third notification serves as an update to the proposed project description. Accordingly, this letter provides a brief, updated description of the proposed project, an updated location map, and lead agency contact information. Please note that pursuant to SB-18, a request for consultation must be received in writing within 90 days, on or before January 16, 2022, and shall provide the name of the tribe's designated lead contact person.

Project Description Update

The North Downtown Specific Plan (NDSP) area encompasses 191 acres and designates the proposed 6.2-acre Mixed Use Special District (Sites A, B, and C as shown in Exhibit 1) as well as the existing dealership site (Site D) and an approximately 0.82-acre property (Site E), located adjacent to Site A for Automobile

Sales/Service and Custom Manufacturing uses. The Applicant is proposing to amend the NDSP to create a new Auto Sales–Custom Manufacturing Mixed Use Special District overlay that would apply only to the 6.2-acre Mixed Use Special District (Sites A, B, and C as shown in Exhibit 1). These amendments would facilitate redevelopment of the approximately 6.2-acre site within the NDSP area (Sites A, B, and C, as shown in Exhibit 1), as well as the existing 1.42-acre site where Toyota Walnut Creek presently operates, Site D, and Site E. Sites D and E would be developed with uses consistent with the currently approved NDSP. The goal of the proposed amendments is to facilitate the retention, enhancement and long-term viability of the Applicant’s auto sales and service uses within the City in an economically viable manner by allowing for redevelopment of lands within the Mixed Use Special District with other multiple potential mixed uses including multi-family residential, hotel, or other non-residential uses compatible with automotive sales, service and ancillary uses.

In any redevelopment proposal under the NDSP (as amended), the Applicant would be required to retain and enhance its auto sales, service and ancillary uses in accordance with the criteria and policies set forth in the NDSP (as amended). Under all circumstances, the auto sales, service, and ancillary uses would include the following components: (1) sales (including administrative space), (2) service (including quick service, maintenance and repair (but not including any body work), detailing, car wash and administrative space), (3) parts (service and retail), and (4) inventory display.

The project site is located in the City of Walnut Creek, Contra Costa County, California. The project site is generally bounded by Pine Street (north), Civic Drive (east) Ygnacio Valley Road (south), and North Main Street (west).

Research Status

A CEQA Tribal Consultation List and search of the Sacred Lands File were requested the Native American Heritage Commission (NAHC) on July 22, 2021. On July 29, 2021, we received the NAHC response, indicating the results of the Sacred Lands search were negative. The list included the names and contact information of five tribal representatives, including yourself, that may be interested in consulting on the project pursuant to AB-52 and SB 18.

On July 27, 2021, a records search for the project site and a 0.5-mile radius beyond the project site boundary was conducted at the NWIC located at Sonoma State University in Rohnert Park, California. The current inventories of the National Register of Historic Places (NRHP), the California Register of Historical Resources (CRHR), the California Historical Landmarks (CHL) list, the California Points of Historical Interest (CPHI) list, and the California Built Environment Resource Directory (BERD) for Contra Costa County were also reviewed to determine the existence of previously documented local historical resources.

The results of the records search indicate that there are no previously recorded cultural resources or survey reports in the project site. There are four historic resources within a 0.5-mile radius of the project area. In addition, thirty-five survey reports are on file with the NWIC for a 0.5-mile radius of the project area. This suggests that while the project site itself has not been previously surveyed, the surrounding 0.5-mile radius have been assessed for cultural resources.

On September 2, 2021, and October 27, 2021 FCS Senior Archaeologist Dr. Dana DePietro and FCS Historian Ti Ngo conducted a pedestrian survey for unrecorded cultural resources within the project boundary. Sites A-E are completely developed and hardscaped, containing 12 structures relating to auto sales and maintenance, wrap around parking lots, associated infrastructure, and landscaping elements.

The survey began in the southwest corner of Site A and moved west across the sites, using north-south transects spaced at approximately 15-meter intervals whenever possible. Given the fully developed nature of Sites A-E, visibility of native soils was almost non-existent, however soils along the edges of the properties were closely inspected, and while highly disturbed, provided some information on soil profiles. Visible soils were largely composed of medium brown (Munsell 7.5YR 2.5) loam with moderate clay content, interspersed with small (2-3 cm) stones primarily composed of quartz and schist.

Survey conditions were documented using digital photographs and field notes. During the survey, Dr. DePietro and Mr. Ngo examined all areas of the exposed ground surface for prehistoric artifacts (e.g., fire-affected rock, milling tools, flaked stone tools, tool-making debris, ceramics), soil discoloration and depressions that might indicate the presence of a cultural midden, faunal and human osteological remains, and features indicative of the former presence of structures or buildings (e.g., postholes, standing exterior walls, foundations) or historic debris (e.g., glass, metal, ceramics). No historic or prehistoric artifacts, cultural resources, or raw materials commonly used in the manufacture of tools (e.g., obsidian, Franciscan chert, etc.) were observed within visible soils within the project site.

Contact Information

The City of Walnut Creek lead contact for SB-18 Consultation on this project is:

Chip Griffin
Senior Planner
City of Walnut Creek Community and
Economic Development Department
1666 North Main Street
Walnut Creek, CA 94596

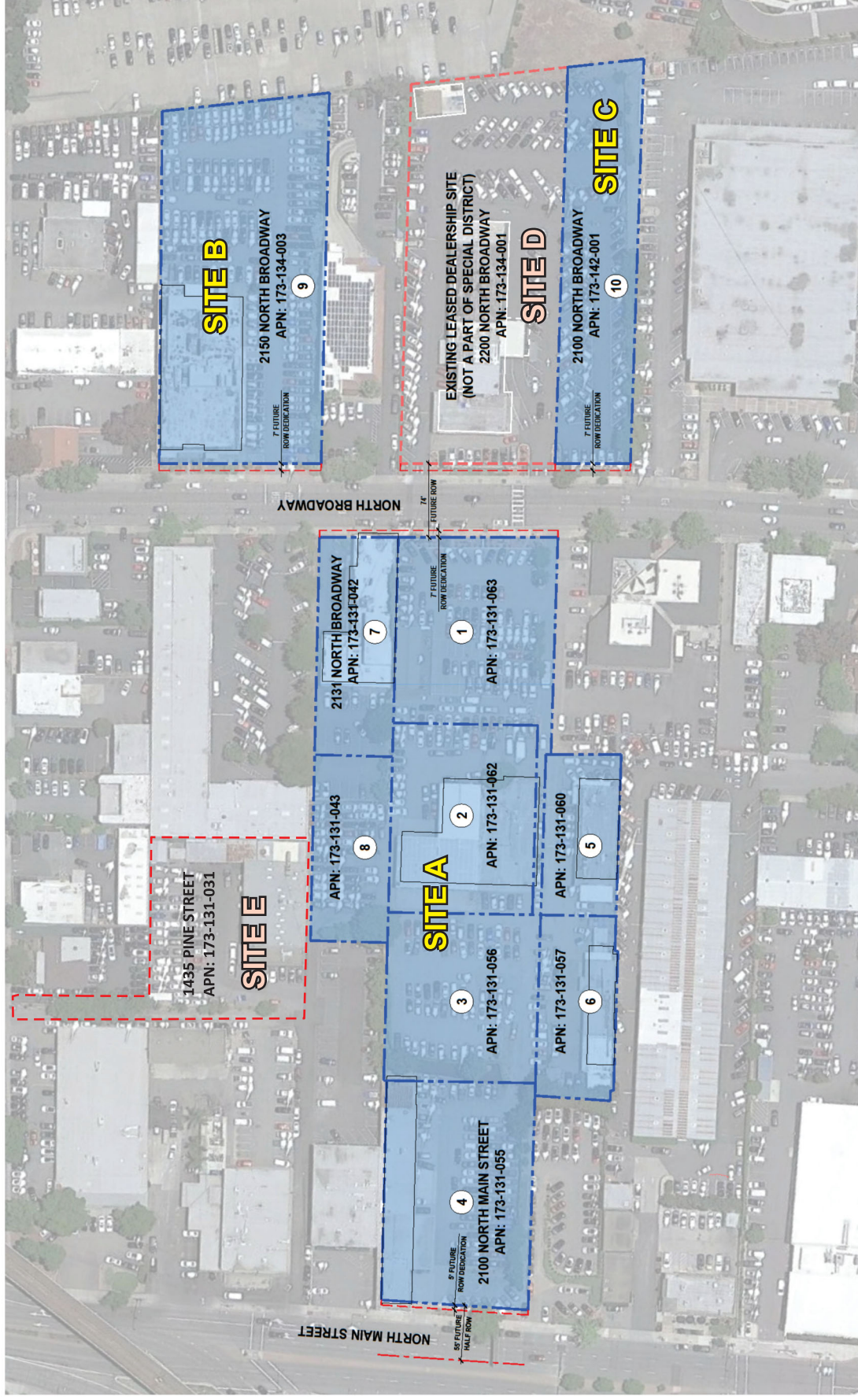
c/o Dana Douglas DePietro, Ph.D.
Senior Archaeologist
FirstCarbon Solutions
1350 Treat Boulevard, Ste. 380
Walnut Creek, CA 94597

If the Confederated Villages of Lisjan wishes to consult with the City regarding the Walnut Creek – Mixed Use Special District project, please indicate in writing via letter or email addressed to the lead contact provided above within 90 days (on or before January 16, 2022) and provide the name of the tribe's designated lead contact person.

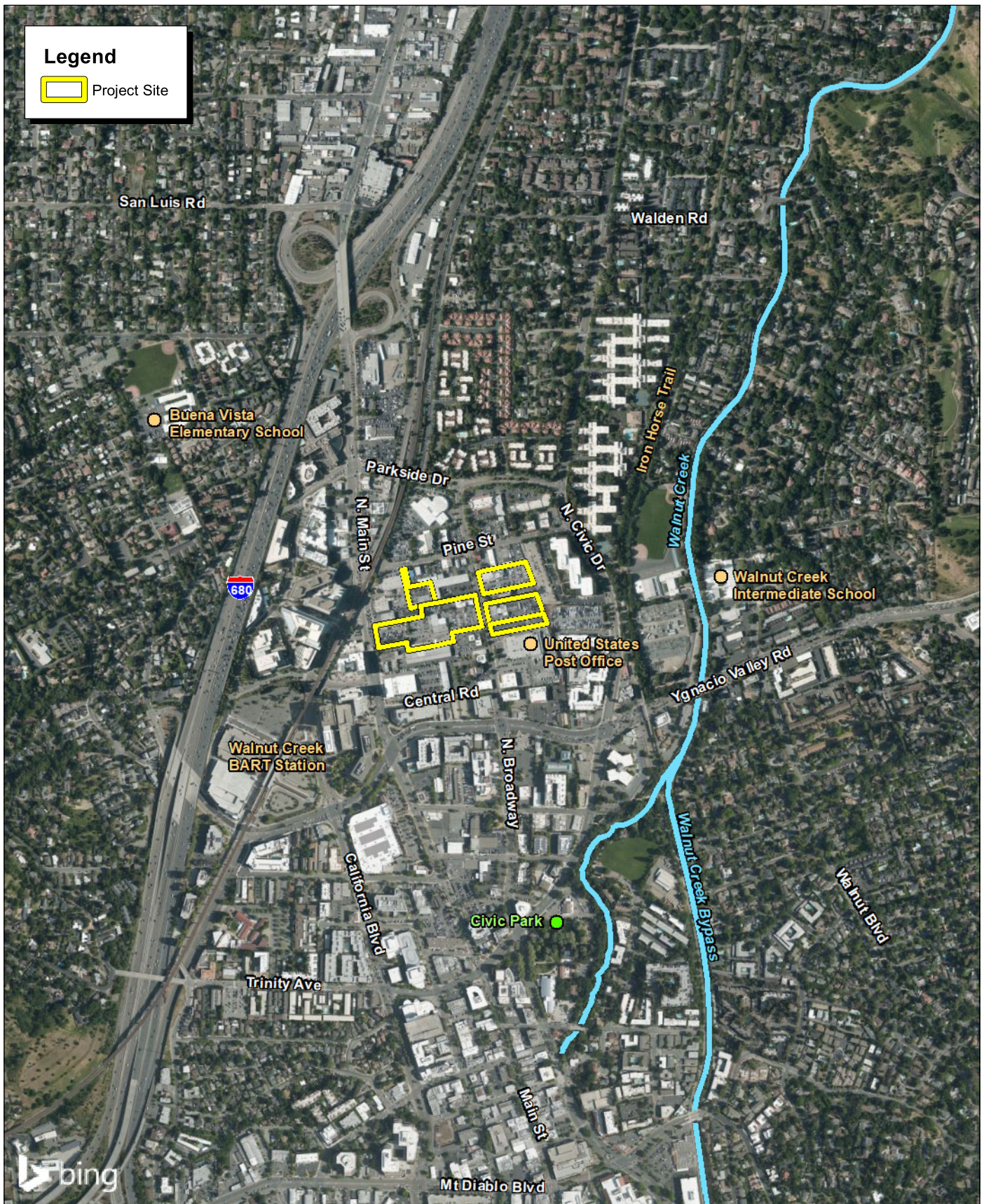
Sincerely,

Chip Griffin
Senior Planner

Enclosures: Exhibit 1: Existing Site Information
 Local Vicinity Map
 NAHC Response Letter



Existing Site Information



Source: bing Aerial Imagery.



**NATIVE AMERICAN HERITAGE COMMISSION**

July 27, 2021

Dr. Dana DePietro
First Carbon SolutionsVia Email to: ddepietro@fcs-intl.comCHAIRPERSON
Laura Miranda
LuiseñoVICE CHAIRPERSON
Reginald Pagaling
ChumashSECRETARY
Merri Lopez-Keifer
LuiseñoPARLIAMENTARIAN
Russell Attebery
KarukCOMMISSIONER
William Mungary
Paiute/White Mountain
ApacheCOMMISSIONER
Julie Tumamait-Stenslie
ChumashCOMMISSIONER
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[Vacant]COMMISSIONER
[Vacant]EXECUTIVE SECRETARY
Christina Snider
Pomo**NAHC HEADQUARTERS**
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov
NAHC.ca.gov

Re: Native American Tribal Consultation, Pursuant to the Assembly Bill 52 (AB 52), Amendments to the California Environmental Quality Act (CEQA) (Chapter 532, Statutes of 2014), Public Resources Code Sections 5097.94 (m), 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2 and 21084.3, Walnut Creek-Mixed Use Special District, Contra Costa County

To Dr. DePietro:

Pursuant to Public Resources Code section 21080.3.1 (c), attached is a consultation list of tribes that are traditionally and culturally affiliated with the geographic area of the above-listed project. Please note that the intent of the AB 52 amendments to CEQA is to avoid and/or mitigate impacts to tribal cultural resources, (Pub. Resources Code §21084.3 (a)) ("Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource.")

Public Resources Code sections 21080.3.1 and 21084.3(c) require CEQA lead agencies to consult with California Native American tribes that have requested notice from such agencies of proposed projects in the geographic area that are traditionally and culturally affiliated with the tribes on projects for which a Notice of Preparation or Notice of Negative Declaration or Mitigated Negative Declaration has been filed on or after July 1, 2015. Specifically, Public Resources Code section 21080.3.1 (d) provides:

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

The AB 52 amendments to CEQA law does not preclude initiating consultation with the tribes that are culturally and traditionally affiliated within your jurisdiction prior to receiving requests for notification of projects in the tribe's areas of traditional and cultural affiliation. The Native American Heritage Commission (NAHC) recommends, but does not require, early consultation as a best practice to ensure that lead agencies receive sufficient information about cultural resources in a project area to avoid damaging effects to tribal cultural resources.

The NAHC also recommends, but does not require that agencies should also include with their notification letters, information regarding any cultural resources assessment that has been completed on the area of potential effect (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 that have already been recorded on or adjacent to the APE, such as known archaeological sites;
- Copies of any and all cultural resource records and study reports that may have been provided by the Information Center as part of the records search response;
- Whether the records search indicates a low, moderate, or high probability that unrecorded cultural resources are located in the APE; and
- If a survey is recommended by the Information Center to determine whether previously unrecorded cultural resources are present.

2. The results of any archaeological inventory survey that was conducted, including:

- Any report that may contain site forms, site significance, and suggested mitigation measures.

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

3. The result of any Sacred Lands File (SLF) check conducted through the Native American Heritage Commission was negative.

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

5. Any geotechnical reports regarding all or part of the APE.

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

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

If you receive notification of change of addresses and phone numbers from tribes, please notify the NAHC. With your assistance, we can assure that our consultation list remains current.

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

Sincerely,



Katy Sanchez
Associate Environmental Planner

Attachment

Native American Heritage Commission
Native American Contacts List
July 27, 2021

Amah Mutsun Tribal Band of Mission San Juan Bautista Irene Zwielerlein, Chairperson 3030 Soda Bay Road Lakeport ,CA 95453 amahmutsuntribal@gmail.com (650) 851-7489 Cell (650) 332-1526 Fax	Ohlone/Costanoan	Muwekma Ohlone Indian Tribe of the SF Bay Area Monica Arellano, Vice Chairwoman 20885 Redwood Road, Suite 232 Castro Valley ,CA 94546 marellano@muwekma.org (408) 205-9714	Ohlone / Costanoan
Chicken Ranch Rancheria of Me-Wuk Indians Lloyd Mathiesen, Chairperson P.O. Box 1159 Jamestown ,CA 95327 lmathiesen@crttribal.com (209) 984-9066 (209) 984-9269	Miwok - Me-wuk	North Valley Yokuts Tribe Katherine Erolinda Perez, Chairperson P.O. Box 717 Linden ,CA 95236 canutes@verizon.net (209) 887-3415 (209) 649-8972 (cell)	Ohlone/Costanoan Northern Valley Yokuts Bay Miwok
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July 27, 2021

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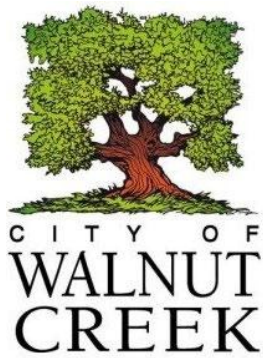
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(916) 683-6015 Fax

Miwok



November 16, 2021

Wilton Rancheria
Steven Hutchason, THPO
9728 Kent Street
Elk Grove, CA 95624

Subject: Project Update: Walnut Creek – Mixed Use Special District Project in the City of Walnut Creek

Dear Steven Hutchason,

After receiving your contact information from the Native American Heritage Commission (NAHC), the City of Walnut Creek sent two formal letters containing project information and an invitation to consult on the proposed Walnut Creek – Mixed Special Use District Project (proposed project). The first letter was sent on October 8, 2021, pursuant to Public Resources Code Section 21080.3.1 and 21080.3.2, Assembly Bill (AB) 52. Because the proposed project would also include a General Plan Amendment, a follow-up letter was sent on November 4, 2021, that included an invitation to consult on the project pursuant to Government Code Section 65351 Senate Bill (SB) 18.

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This third notification serves as an update to the proposed project description. Accordingly, this letter provides a brief, updated description of the proposed project, an updated location map, and lead agency contact information. Please note that pursuant to SB-18, a request for consultation must be received in writing within 90 days, on or before January 16, 2022, and shall provide the name of the tribe's designated lead contact person.

Project Description Update

The North Downtown Specific Plan (NDSP) area encompasses 191 acres and designates the proposed 6.2-acre Mixed Use Special District (Sites A, B, and C as shown in Exhibit 1) as well as the existing dealership site (Site D) and an approximately 0.82-acre property (Site E), located adjacent to Site A for Automobile

Sales/Service and Custom Manufacturing uses. The Applicant is proposing to amend the NDSP to create a new Auto Sales–Custom Manufacturing Mixed Use Special District overlay that would apply only to the 6.2-acre Mixed Use Special District (Sites A, B, and C as shown in Exhibit 1). These amendments would facilitate redevelopment of the approximately 6.2-acre site within the NDSP area (Sites A, B, and C, as shown in Exhibit 1), as well as the existing 1.42-acre site where Toyota Walnut Creek presently operates, Site D, and Site E. Sites D and E would be developed with uses consistent with the currently approved NDSP. The goal of the proposed amendments is to facilitate the retention, enhancement and long-term viability of the Applicant’s auto sales and service uses within the City in an economically viable manner by allowing for redevelopment of lands within the Mixed Use Special District with other multiple potential mixed uses including multi-family residential, hotel, or other non-residential uses compatible with automotive sales, service and ancillary uses.

In any redevelopment proposal under the NDSP (as amended), the Applicant would be required to retain and enhance its auto sales, service and ancillary uses in accordance with the criteria and policies set forth in the NDSP (as amended). Under all circumstances, the auto sales, service, and ancillary uses would include the following components: (1) sales (including administrative space), (2) service (including quick service, maintenance and repair (but not including any body work), detailing, car wash and administrative space), (3) parts (service and retail), and (4) inventory display.

The project site is located in the City of Walnut Creek, Contra Costa County, California. The project site is generally bounded by Pine Street (north), Civic Drive (east) Ygnacio Valley Road (south), and North Main Street (west).

Research Status

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On September 2, 2021, and October 27, 2021 FCS Senior Archaeologist Dr. Dana DePietro and FCS Historian Ti Ngo conducted a pedestrian survey for unrecorded cultural resources within the project boundary. Sites A-E are completely developed and hardscaped, containing 12 structures relating to auto sales and maintenance, wrap around parking lots, associated infrastructure, and landscaping elements.

The survey began in the southwest corner of Site A and moved west across the sites, using north-south transects spaced at approximately 15-meter intervals whenever possible. Given the fully developed nature of Sites A-E, visibility of native soils was almost non-existent, however soils along the edges of the properties were closely inspected, and while highly disturbed, provided some information on soil profiles. Visible soils were largely composed of medium brown (Munsell 7.5YR 2.5) loam with moderate clay content, interspersed with small (2-3 cm) stones primarily composed of quartz and schist.

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Contact Information

The City of Walnut Creek lead contact for SB-18 Consultation on this project is:

Chip Griffin
Senior Planner
City of Walnut Creek Community and
Economic Development Department
1666 North Main Street
Walnut Creek, CA 94596

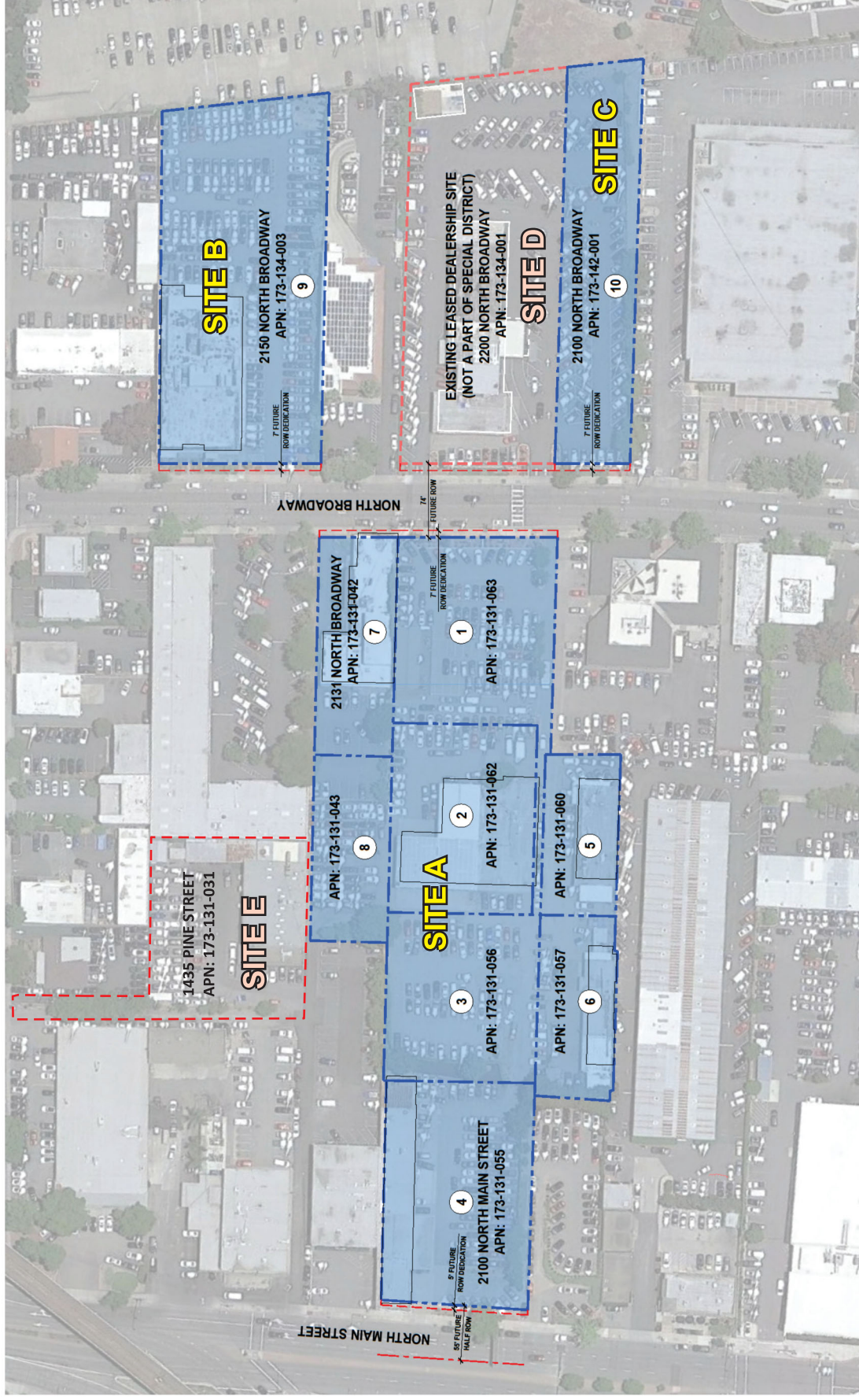
c/o Dana Douglas DePietro, Ph.D.
Senior Archaeologist
FirstCarbon Solutions
1350 Treat Boulevard, Ste. 380
Walnut Creek, CA 94597

If Wilton Rancheria wishes to consult with the City regarding the Walnut Creek – Mixed Use Special District project, please indicate in writing via letter or email addressed to the lead contact provided above within 90 days (on or before January 16, 2022) and provide the name of the tribe's designated lead contact person.

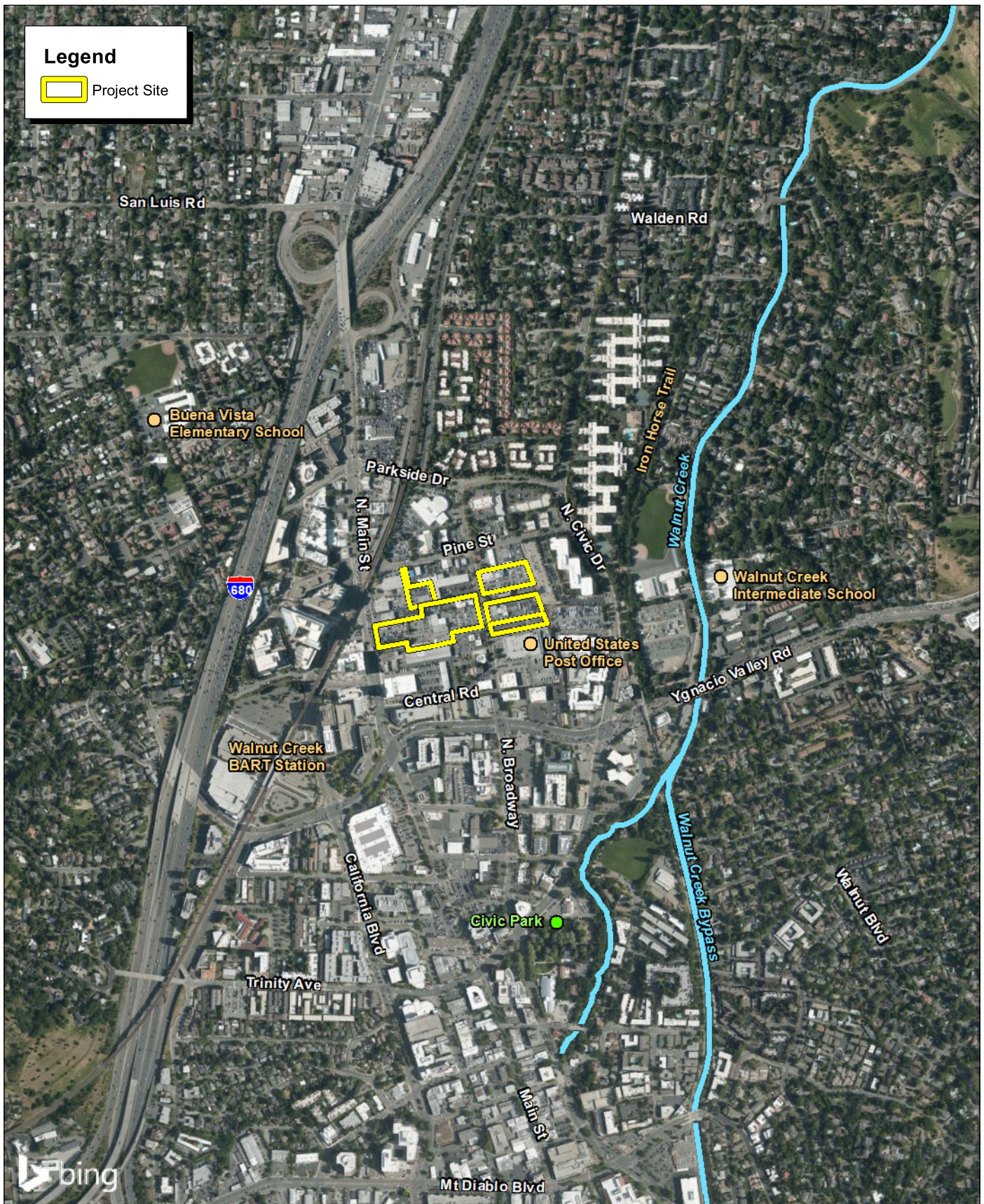
Sincerely,

Chip Griffin
Senior Planner

Enclosures: Exhibit 1: Existing Site Information
 Local Vicinity Map
 NAHC Response Letter



SPECIAL DISTRICT PARCEL
REFERENCE NUMBERS



Source: bing Aerial Imagery.

FIRSTCARBON
SOLUTIONS™



1,000 500 0 1,000
Feet

Local Vicinity Map

**NATIVE AMERICAN HERITAGE COMMISSION**

July 27, 2021

Dr. Dana DePietro
First Carbon SolutionsVia Email to: ddepietro@fcs-intl.comCHAIRPERSON
Laura Miranda
LuiseñoVICE CHAIRPERSON
Reginald Pagaling
ChumashSECRETARY
Merri Lopez-Keifer
LuiseñoPARLIAMENTARIAN
Russell Attebery
KarukCOMMISSIONER
William Mungary
Paiute/White Mountain
ApacheCOMMISSIONER
Julie Tumamait-Stenslie
ChumashCOMMISSIONER
[Vacant]COMMISSIONER
[Vacant]COMMISSIONER
[Vacant]EXECUTIVE SECRETARY
Christina Snider
Pomo**NAHC HEADQUARTERS**
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov
NAHC.ca.gov**Re: Native American Tribal Consultation, Pursuant to the Assembly Bill 52 (AB 52), Amendments to the California Environmental Quality Act (CEQA) (Chapter 532, Statutes of 2014), Public Resources Code Sections 5097.94 (m), 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2 and 21084.3, Walnut Creek-Mixed Use Special District, Contra Costa County**

To Dr. DePietro:

Pursuant to Public Resources Code section 21080.3.1 (c), attached is a consultation list of tribes that are traditionally and culturally affiliated with the geographic area of the above-listed project. Please note that the intent of the AB 52 amendments to CEQA is to avoid and/or mitigate impacts to tribal cultural resources, (Pub. Resources Code §21084.3 (a)) ("Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource.")

Public Resources Code sections 21080.3.1 and 21084.3(c) require CEQA lead agencies to consult with California Native American tribes that have requested notice from such agencies of proposed projects in the geographic area that are traditionally and culturally affiliated with the tribes on projects for which a Notice of Preparation or Notice of Negative Declaration or Mitigated Negative Declaration has been filed on or after July 1, 2015. Specifically, Public Resources Code section 21080.3.1 (d) provides:

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

The AB 52 amendments to CEQA law does not preclude initiating consultation with the tribes that are culturally and traditionally affiliated within your jurisdiction prior to receiving requests for notification of projects in the tribe's areas of traditional and cultural affiliation. The Native American Heritage Commission (NAHC) recommends, but does not require, early consultation as a best practice to ensure that lead agencies receive sufficient information about cultural resources in a project area to avoid damaging effects to tribal cultural resources.

The NAHC also recommends, but does not require that agencies should also include with their notification letters, information regarding any cultural resources assessment that has been completed on the area of potential effect (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 that have already been recorded on or adjacent to the APE, such as known archaeological sites;
- Copies of any and all cultural resource records and study reports that may have been provided by the Information Center as part of the records search response;
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2. The results of any archaeological inventory survey that was conducted, including:

- Any report that may contain site forms, site significance, and suggested mitigation measures.

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

3. The result of any Sacred Lands File (SLF) check conducted through the Native American Heritage Commission was negative.

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

5. Any geotechnical reports regarding all or part of the APE.

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

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

If you receive notification of change of addresses and phone numbers from tribes, please notify the NAHC. With your assistance, we can assure that our consultation list remains current.

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

Sincerely,



Katy Sanchez
Associate Environmental Planner

Attachment

Native American Heritage Commission
Native American Contacts List
July 27, 2021

Amah Mutsun Tribal Band of Mission San Juan Bautista Irene Zwierlein, Chairperson 3030 Soda Bay Road Lakeport ,CA 95453 amahmutsuntribal@gmail.com (650) 851-7489 Cell (650) 332-1526 Fax	Ohlone/Costanoan	Muwekma Ohlone Indian Tribe of the SF Bay Area Monica Arellano, Vice Chairwoman 20885 Redwood Road, Suite 232 Castro Valley ,CA 94546 marellano@muwekma.org (408) 205-9714	Ohlone / Costanoan
Chicken Ranch Rancheria of Me-Wuk Indians Lloyd Mathiesen, Chairperson P.O. Box 1159 Jamestown ,CA 95327 lmathiesen@ctribal.com (209) 984-9066 (209) 984-9269	Miwok - Me-wuk	North Valley Yokuts Tribe Katherine Erolinda Perez, Chairperson P.O. Box 717 Linden ,CA 95236 canutes@verizon.net (209) 887-3415 (209) 649-8972 (cell)	Ohlone/Costanoan Northern Valley Yokuts Bay Miwok
Guidiville Indian Rancheria Donald Duncan, Chairperson P.O. Box 339 Talmage ,CA 95481 admin@guidiville.net (707) 462-3682 (707) 462-9183 Fax	Pomo	North Valley Yokuts Tribe Timothy Perez, MLD Contact P.O. Box 717 Linden ,CA 95236 huskanam@gmail.com (209) 662-2788	Ohlone/Costanoan Northern Valley Yokuts Bay Miwok
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July 27, 2021

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Elk Grove, CA 95624
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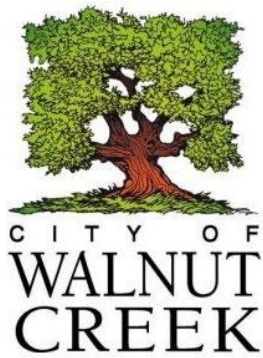
Miwok

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(916) 683-6015 Fax

Miwok



November 16, 2021

North Valley Yokuts Tribe
Katherine Erolinda Perez, Chairperson
P.O. Box 717
Linden, CA 95236

Subject: Project Update: Walnut Creek – Mixed Use Special District Project in the City of Walnut Creek

Dear Chairperson Perez,

After receiving your contact information from the Native American Heritage Commission (NAHC), the City of Walnut Creek sent two formal letters containing project information and an invitation to consult on the proposed Walnut Creek – Mixed Special Use District Project (proposed project). The first letter was sent on October 8, 2021, pursuant to Public Resources Code Section 21080.3.1 and 21080.3.2, Assembly Bill (AB) 52. Because the proposed project would also include a General Plan Amendment, a follow-up letter was sent on November 4, 2021, that included an invitation to consult on the project pursuant to Government Code Section 65351 Senate Bill (SB) 18.

The proposed project is located in the City of Walnut Creek, Contra Costa County, CA and is subject to compliance with the California Environmental Quality Act (CEQA). The City of Walnut Creek is the lead CEQA agency responsible for consulting with California Native American Tribes pursuant to both AB-52 and SB-18.

This third notification serves as an update to the proposed project description. Accordingly, this letter provides a brief, updated description of the proposed project, an updated location map, and lead agency contact information. Please note that pursuant to SB-18, a request for consultation must be received in writing within 90 days, on or before January 16, 2022, and shall provide the name of the tribe's designated lead contact person.

Project Description Update

The North Downtown Specific Plan (NDSP) area encompasses 191 acres and designates the proposed 6.2-acre Mixed Use Special District (Sites A, B, and C as shown in Exhibit 1) as well as the existing dealership site (Site D) and an approximately 0.82-acre property (Site E), located adjacent to Site A for Automobile

Sales/Service and Custom Manufacturing uses. The Applicant is proposing to amend the NDSP to create a new Auto Sales–Custom Manufacturing Mixed Use Special District overlay that would apply only to the 6.2-acre Mixed Use Special District (Sites A, B, and C as shown in Exhibit 1). These amendments would facilitate redevelopment of the approximately 6.2-acre site within the NDSP area (Sites A, B, and C, as shown in Exhibit 1), as well as the existing 1.42-acre site where Toyota Walnut Creek presently operates, Site D, and Site E. Sites D and E would be developed with uses consistent with the currently approved NDSP. The goal of the proposed amendments is to facilitate the retention, enhancement and long-term viability of the Applicant’s auto sales and service uses within the City in an economically viable manner by allowing for redevelopment of lands within the Mixed Use Special District with other multiple potential mixed uses including multi-family residential, hotel, or other non-residential uses compatible with automotive sales, service and ancillary uses.

In any redevelopment proposal under the NDSP (as amended), the Applicant would be required to retain and enhance its auto sales, service and ancillary uses in accordance with the criteria and policies set forth in the NDSP (as amended). Under all circumstances, the auto sales, service, and ancillary uses would include the following components: (1) sales (including administrative space), (2) service (including quick service, maintenance and repair (but not including any body work), detailing, car wash and administrative space), (3) parts (service and retail), and (4) inventory display.

The project site is located in the City of Walnut Creek, Contra Costa County, California. The project site is generally bounded by Pine Street (north), Civic Drive (east) Ygnacio Valley Road (south), and North Main Street (west).

Research Status

A CEQA Tribal Consultation List and search of the Sacred Lands File were requested the Native American Heritage Commission (NAHC) on July 22, 2021. On July 29, 2021, we received the NAHC response, indicating the results of the Sacred Lands search were negative. The list included the names and contact information of five tribal representatives, including yourself, that may be interested in consulting on the project pursuant to AB-52 and SB 18.

On July 27, 2021, a records search for the project site and a 0.5-mile radius beyond the project site boundary was conducted at the NWIC located at Sonoma State University in Rohnert Park, California. The current inventories of the National Register of Historic Places (NRHP), the California Register of Historical Resources (CRHR), the California Historical Landmarks (CHL) list, the California Points of Historical Interest (CPHI) list, and the California Built Environment Resource Directory (BERD) for Contra Costa County were also reviewed to determine the existence of previously documented local historical resources.

The results of the records search indicate that there are no previously recorded cultural resources or survey reports in the project site. There are four historic resources within a 0.5-mile radius of the project area. In addition, thirty-five survey reports are on file with the NWIC for a 0.5-mile radius of the project area. This suggests that while the project site itself has not been previously surveyed, the surrounding 0.5-mile radius have been assessed for cultural resources.

On September 2, 2021, and October 27, 2021 FCS Senior Archaeologist Dr. Dana DePietro and FCS Historian Ti Ngo conducted a pedestrian survey for unrecorded cultural resources within the project boundary. Sites A-E are completely developed and hardscaped, containing 12 structures relating to auto sales and maintenance, wrap around parking lots, associated infrastructure, and landscaping elements.

The survey began in the southwest corner of Site A and moved west across the sites, using north-south transects spaced at approximately 15-meter intervals whenever possible. Given the fully developed nature of Sites A-E, visibility of native soils was almost non-existent, however soils along the edges of the properties were closely inspected, and while highly disturbed, provided some information on soil profiles. Visible soils were largely composed of medium brown (Munsell 7.5YR 2.5) loam with moderate clay content, interspersed with small (2-3 cm) stones primarily composed of quartz and schist.

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Contact Information

The City of Walnut Creek lead contact for SB-18 Consultation on this project is:

Chip Griffin
Senior Planner
City of Walnut Creek Community and
Economic Development Department
1666 North Main Street
Walnut Creek, CA 94596

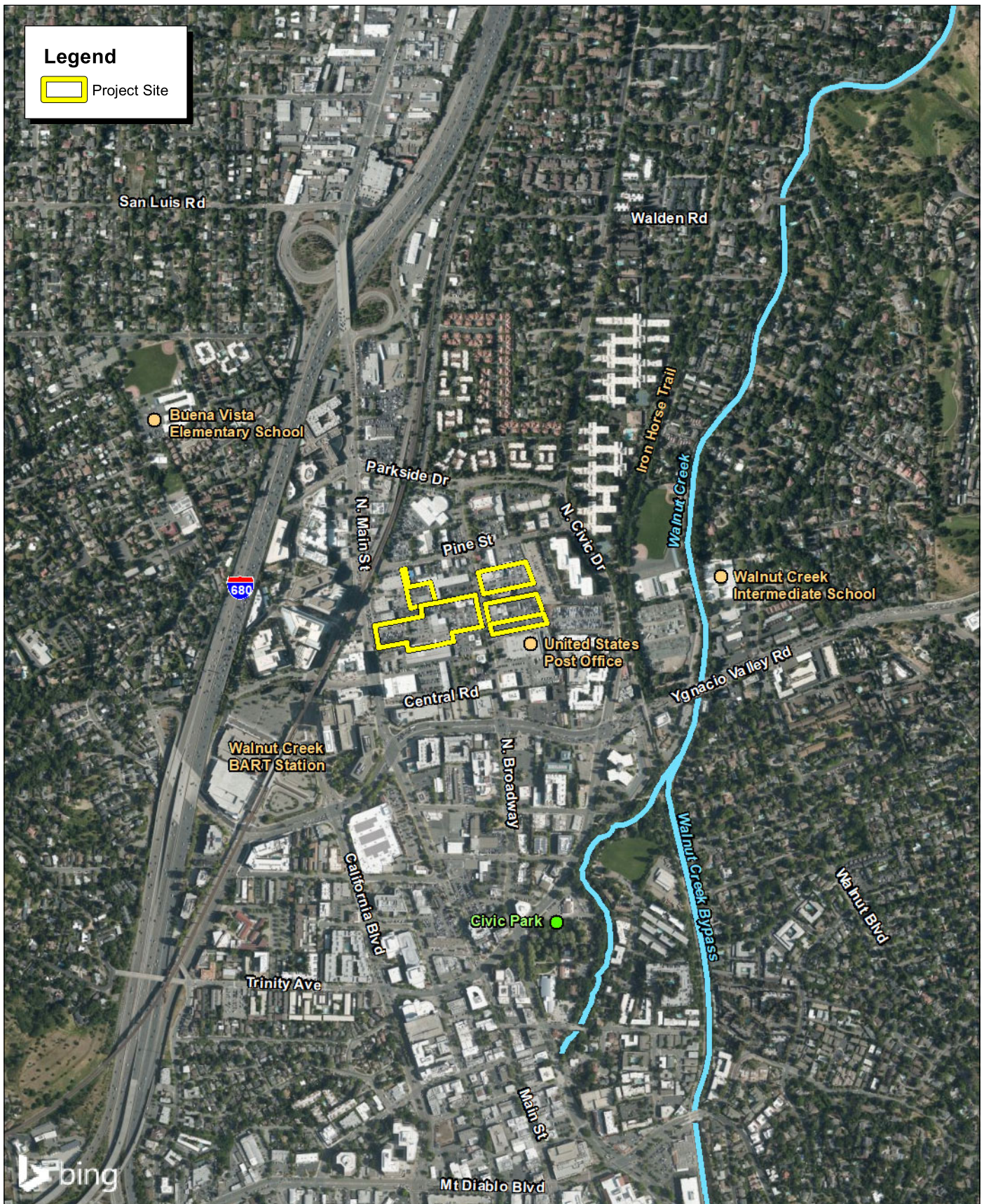
c/o Dana Douglas DePietro, Ph.D.
Senior Archaeologist
FirstCarbon Solutions
1350 Treat Boulevard, Ste. 380
Walnut Creek, CA 94597

If the North Valley Yokuts Tribe wishes to consult with the City regarding the Walnut Creek – Mixed Use Special District project, please indicate in writing via letter or email addressed to the lead contact provided above within 90 days (on or before January 16, 2022) and provide the name of the tribe's designated lead contact person.

Sincerely,

Chip Griffin
Senior Planner

Enclosures: Exhibit 1: Existing Site Information
 Local Vicinity Map
 NAHC Response Letter



Source: bing Aerial Imagery.

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Local Vicinity Map

**NATIVE AMERICAN HERITAGE COMMISSION**

July 27, 2021

Dr. Dana DePietro
First Carbon SolutionsVia Email to: ddepietro@fcs-intl.comCHAIRPERSON
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LuiseñoVICE CHAIRPERSON
Reginald Pagaling
ChumashSECRETARY
Merri Lopez-Keifer
LuiseñoPARLIAMENTARIAN
Russell Attebery
KarukCOMMISSIONER
William Mungary
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Pomo**NAHC HEADQUARTERS**
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(916) 373-3710
nahc@nahc.ca.gov
NAHC.ca.gov

Re: Native American Tribal Consultation, Pursuant to the Assembly Bill 52 (AB 52), Amendments to the California Environmental Quality Act (CEQA) (Chapter 532, Statutes of 2014), Public Resources Code Sections 5097.94 (m), 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2 and 21084.3, Walnut Creek-Mixed Use Special District, Contra Costa County

To Dr. DePietro:

Pursuant to Public Resources Code section 21080.3.1 (c), attached is a consultation list of tribes that are traditionally and culturally affiliated with the geographic area of the above-listed project. Please note that the intent of the AB 52 amendments to CEQA is to avoid and/or mitigate impacts to tribal cultural resources, (Pub. Resources Code §21084.3 (a)) ("Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource.")

Public Resources Code sections 21080.3.1 and 21084.3(c) require CEQA lead agencies to consult with California Native American tribes that have requested notice from such agencies of proposed projects in the geographic area that are traditionally and culturally affiliated with the tribes on projects for which a Notice of Preparation or Notice of Negative Declaration or Mitigated Negative Declaration has been filed on or after July 1, 2015. Specifically, Public Resources Code section 21080.3.1 (d) provides:

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The NAHC also recommends, but does not require that agencies should also include with their notification letters, information regarding any cultural resources assessment that has been completed on the area of potential effect (APE), such as:

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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.

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

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If you receive notification of change of addresses and phone numbers from tribes, please notify the NAHC. With your assistance, we can assure that our consultation list remains current.

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

Sincerely,



Katy Sanchez
Associate Environmental Planner

Attachment

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Native American Contacts List
July 27, 2021

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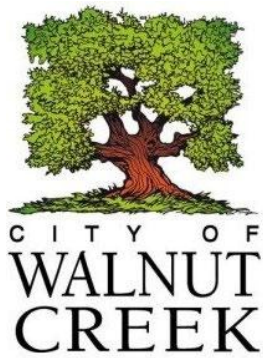
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Miwok



November 16, 2021

Chicken Ranch Rancheria of Me-Wuk Indians
Lloyd Mathiesen, Chairperson
3030 Soda BP.O. 1159
Lakt, CA 95453

Subject: Project Update: Walnut Creek – Mixed Use Special District Project in the City of Walnut Creek

Dear Chairperson Lloyd Mathiesen,

After receiving your contact information from the Native American Heritage Commission (NAHC), the City of Walnut Creek sent two formal letters containing project information and an invitation to consult on the proposed Walnut Creek – Mixed Special Use District Project (proposed project). The first letter was sent on October 8, 2021, pursuant to Public Resources Code Section 21080.3.1 and 21080.3.2, Assembly Bill (AB) 52. Because the proposed project would also include a General Plan Amendment, a follow-up letter was sent on November 4, 2021, that included an invitation to consult on the project pursuant to Government Code Section 65351 Senate Bill (SB) 18.

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Contact Information

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Senior Planner
City of Walnut Creek Community and
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1666 North Main Street
Walnut Creek, CA 94596

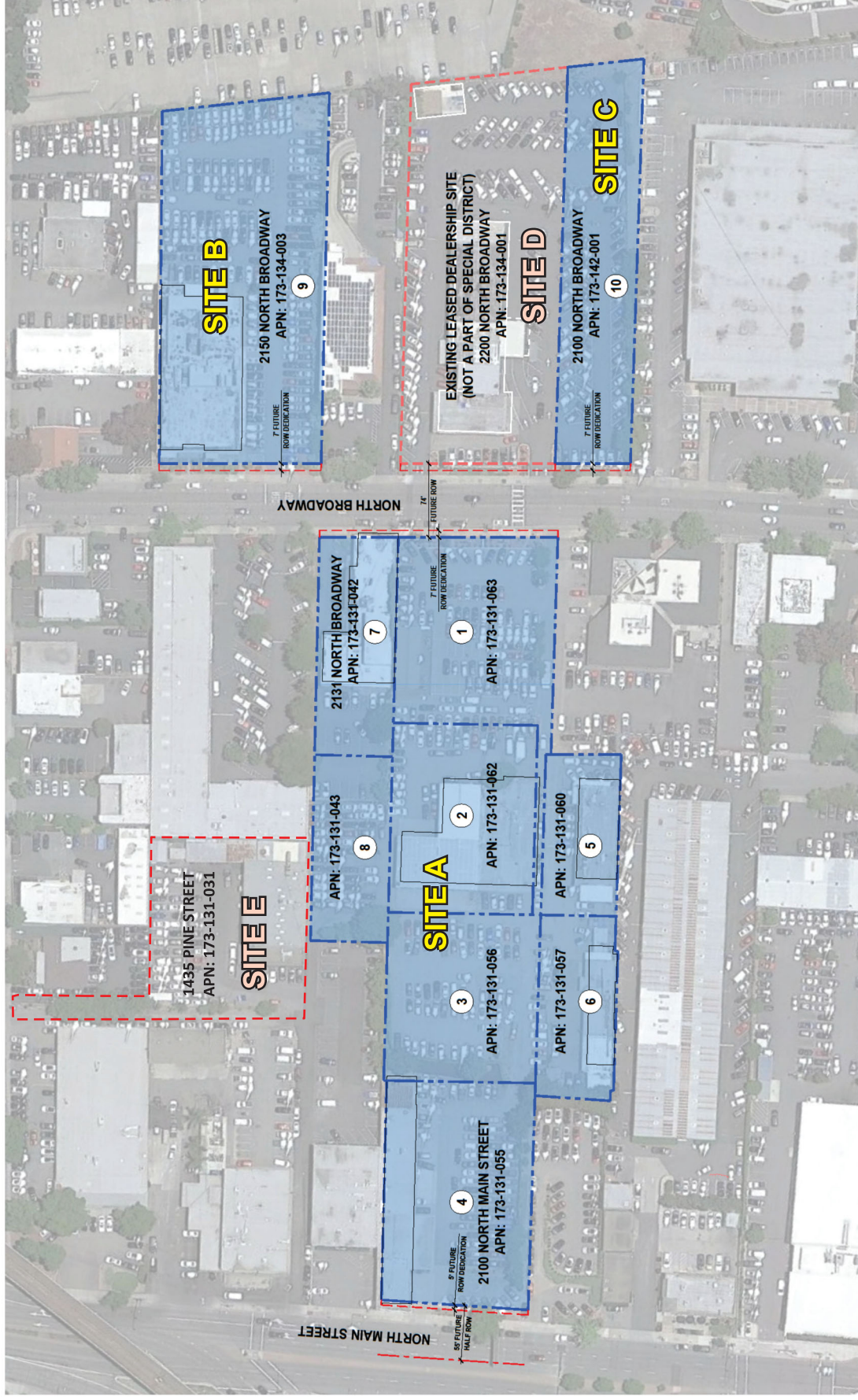
c/o Dana Douglas DePietro, Ph.D.
Senior Archaeologist
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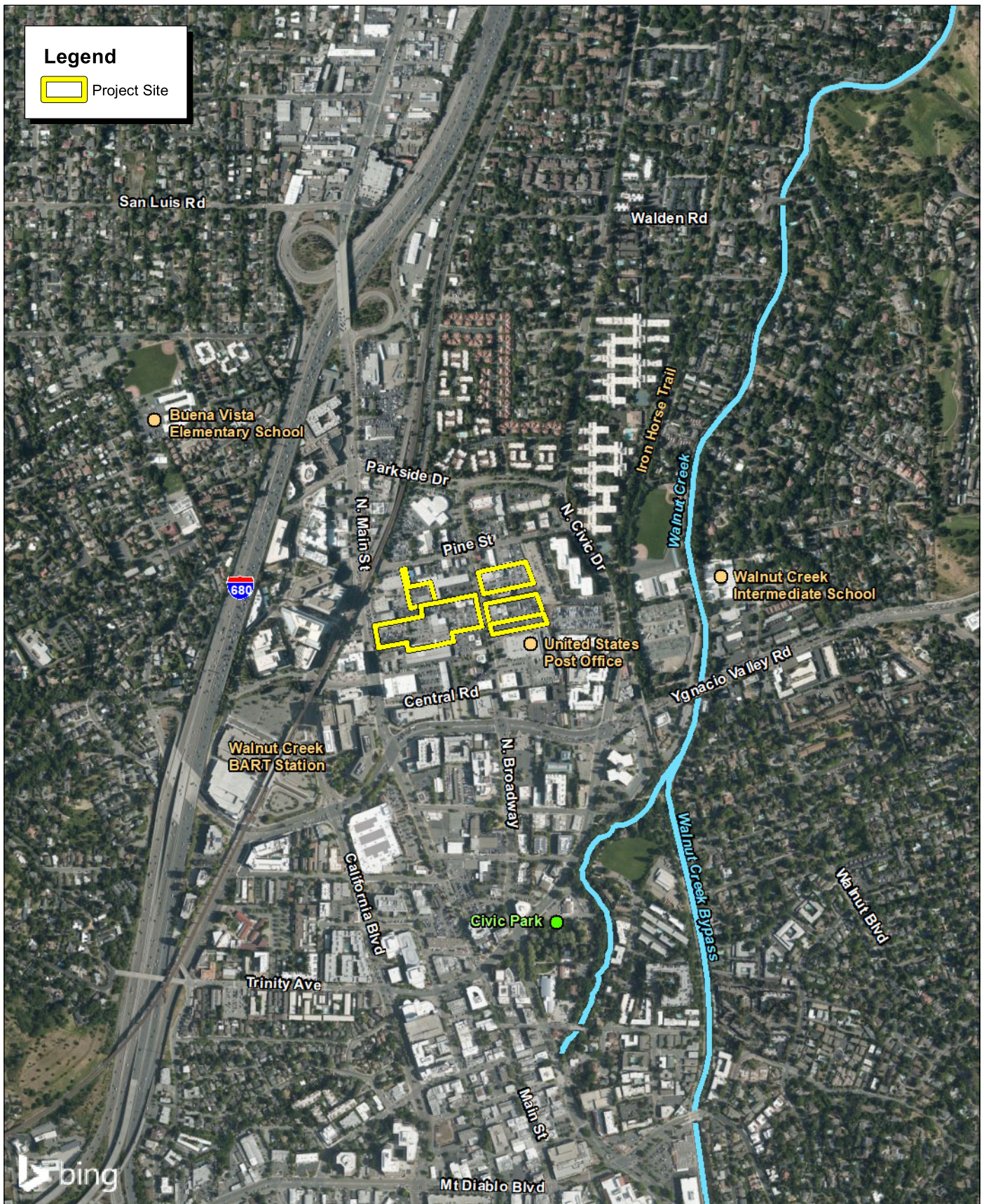
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Sincerely,

Chip Griffin
Senior Planner

Enclosures: Exhibit 1: Existing Site Information
 Local Vicinity Map
 NAHC Response Letter





Source: bing Aerial Imagery.

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Local Vicinity Map



NATIVE AMERICAN HERITAGE COMMISSION

July 27, 2021

Dr. Dana DePietro
First Carbon Solutions

Via Email to: ddepietro@fcs-intl.com

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Laura Miranda
Luiseño

VICE CHAIRPERSON
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Chumash

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PARLIAMENTARIAN
Russell Attebery
Karuk

COMMISSIONER
William Mungary
Paiute/White Mountain
Apache

COMMISSIONER
Julie Tumamait-Stenslie
Chumash

COMMISSIONER
[Vacant]

COMMISSIONER
[Vacant]

COMMISSIONER
[Vacant]

EXECUTIVE SECRETARY
Christina Snider
Pomo

NAHC HEADQUARTERS
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov
NAHC.ca.gov

Re: Native American Tribal Consultation, Pursuant to the Assembly Bill 52 (AB 52), Amendments to the California Environmental Quality Act (CEQA) (Chapter 532, Statutes of 2014), Public Resources Code Sections 5097.94 (m), 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2 and 21084.3, Walnut Creek-Mixed Use Special District, Contra Costa County

To Dr. DePietro:

Pursuant to Public Resources Code section 21080.3.1 (c), attached is a consultation list of tribes that are traditionally and culturally affiliated with the geographic area of the above-listed project. Please note that the intent of the AB 52 amendments to CEQA is to avoid and/or mitigate impacts to tribal cultural resources, (Pub. Resources Code §21084.3 (a)) ("Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource.")

Public Resources Code sections 21080.3.1 and 21084.3(c) require CEQA lead agencies to consult with California Native American tribes that have requested notice from such agencies of proposed projects in the geographic area that are traditionally and culturally affiliated with the tribes on projects for which a Notice of Preparation or Notice of Negative Declaration or Mitigated Negative Declaration has been filed on or after July 1, 2015. Specifically, Public Resources Code section 21080.3.1 (d) provides:

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

The AB 52 amendments to CEQA law does not preclude initiating consultation with the tribes that are culturally and traditionally affiliated within your jurisdiction prior to receiving requests for notification of projects in the tribe's areas of traditional and cultural affiliation. The Native American Heritage Commission (NAHC) recommends, but does not require, early consultation as a best practice to ensure that lead agencies receive sufficient information about cultural resources in a project area to avoid damaging effects to tribal cultural resources.

The NAHC also recommends, but does not require that agencies should also include with their notification letters, information regarding any cultural resources assessment that has been completed on the area of potential effect (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 that have already been recorded on or adjacent to the APE, such as known archaeological sites;
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2. The results of any archaeological inventory survey that was conducted, including:

- Any report that may contain site forms, site significance, and suggested mitigation measures.

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

3. The result of any Sacred Lands File (SLF) check conducted through the Native American Heritage Commission was negative.

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

5. Any geotechnical reports regarding all or part of the APE.

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

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

If you receive notification of change of addresses and phone numbers from tribes, please notify the NAHC. With your assistance, we can assure that our consultation list remains current.

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

Sincerely,



Katy Sanchez
Associate Environmental Planner

Attachment

Native American Heritage Commission
Native American Contacts List
July 27, 2021

Amah Mutsun Tribal Band of Mission San Juan Bautista Irene Zwierlein, Chairperson 3030 Soda Bay Road Lakeport ,CA 95453 amahmutsuntribal@gmail.com (650) 851-7489 Cell (650) 332-1526 Fax	Ohlone/Costanoan	Muwekma Ohlone Indian Tribe of the SF Bay Area Monica Arellano, Vice Chairwoman 20885 Redwood Road, Suite 232 Castro Valley ,CA 94546 marellano@muwekma.org (408) 205-9714	Ohlone / Costanoan
Chicken Ranch Rancheria of Me-Wuk Indians Lloyd Mathiesen, Chairperson P.O. Box 1159 Jamestown ,CA 95327 lmathiesen@crttribal.com (209) 984-9066 (209) 984-9269	Miwok - Me-wuk	North Valley Yokuts Tribe Katherine Erolinda Perez, Chairperson P.O. Box 717 Linden ,CA 95236 canutes@verizon.net (209) 887-3415 (209) 649-8972 (cell)	Ohlone/Costanoan Northern Valley Yokuts Bay Miwok
Guidiville Indian Rancheria Donald Duncan, Chairperson P.O. Box 339 Talmage ,CA 95481 admin@guidiville.net (707) 462-3682 (707) 462-9183 Fax	Pomo	North Valley Yokuts Tribe Timothy Perez, MLD Contact P.O. Box 717 Linden ,CA 95236 huskanam@gmail.com (209) 662-2788	Ohlone/Costanoan Northern Valley Yokuts Bay Miwok
Indian Canyon Mutsun Band of Costanoan Kanyon Sayers-Roods 1615 Pearson Court San Jose ,CA 95122 kanyon@kanyonconsulting.com 408-673-0626	Ohlone/Costanoan	The Confederated Villages of Lisjan Corrina Gould, Chairperson 10926 Edes Avenue Oakland ,CA 94603 cvltribe@gmail.com (510) 575-8408	Ohlone/Costanoan
Indian Canyon Mutsun Band of Costanoan Ann Marie Sayers, Chairperson P.O. Box 28 Hollister ,CA 95024 ams@indiancanyon.org (831) 637-4238	Ohlone/Costanoan	The Ohlone Indian Tribe Andrew Galvan P.O. Box 3388 Fremont ,CA 94539 chochenyo@AOL.com (510) 882-0527 Cell (510) 687-9393 Fax	Ohlone Bay Miwok Plains Miwok Patwin

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July 27, 2021

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(916) 683-6015 Fax

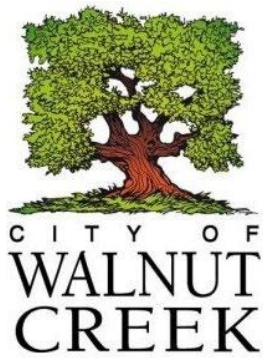
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Miwok



November 16, 2021

Indian Canyon Mutsun Band of Costanoan
Ann Marie Sayers, Chairperson
P.O. Box 28
Hollister, CA 95024

Subject: Project Update: Walnut Creek – Mixed Use Special District Project in the City of Walnut Creek

Dear Chairperson Sayers,

After receiving your contact information from the Native American Heritage Commission (NAHC), the City of Walnut Creek sent two formal letters containing project information and an invitation to consult on the proposed Walnut Creek – Mixed Special Use District Project (proposed project). The first letter was sent on October 8, 2021, pursuant to Public Resources Code Section 21080.3.1 and 21080.3.2, Assembly Bill (AB) 52. Because the proposed project would also include a General Plan Amendment, a follow-up letter was sent on November 4, 2021, that included an invitation to consult on the project pursuant to Government Code Section 65351 Senate Bill (SB) 18.

The proposed project is located in the City of Walnut Creek, Contra Costa County, CA and is subject to compliance with the California Environmental Quality Act (CEQA). The City of Walnut Creek is the lead CEQA agency responsible for consulting with California Native American Tribes pursuant to both AB-52 and SB-18.

This third notification serves as an update to the proposed project description. Accordingly, this letter provides a brief, updated description of the proposed project, an updated location map, and lead agency contact information. Please note that pursuant to SB-18, a request for consultation must be received in writing within 90 days, on or before January 16, 2022, and shall provide the name of the tribe's designated lead contact person.

Project Description Update

The North Downtown Specific Plan (NDSP) area encompasses 191 acres and designates the proposed 6.2-acre Mixed Use Special District (Sites A, B, and C as shown in Exhibit 1) as well as the existing dealership site (Site D) and an approximately 0.82-acre property (Site E), located adjacent to Site A for Automobile

Sales/Service and Custom Manufacturing uses. The Applicant is proposing to amend the NDSP to create a new Auto Sales–Custom Manufacturing Mixed Use Special District overlay that would apply only to the 6.2-acre Mixed Use Special District (Sites A, B, and C as shown in Exhibit 1). These amendments would facilitate redevelopment of the approximately 6.2-acre site within the NDSP area (Sites A, B, and C, as shown in Exhibit 1), as well as the existing 1.42-acre site where Toyota Walnut Creek presently operates, Site D, and Site E. Sites D and E would be developed with uses consistent with the currently approved NDSP. The goal of the proposed amendments is to facilitate the retention, enhancement and long-term viability of the Applicant’s auto sales and service uses within the City in an economically viable manner by allowing for redevelopment of lands within the Mixed Use Special District with other multiple potential mixed uses including multi-family residential, hotel, or other non-residential uses compatible with automotive sales, service and ancillary uses.

In any redevelopment proposal under the NDSP (as amended), the Applicant would be required to retain and enhance its auto sales, service and ancillary uses in accordance with the criteria and policies set forth in the NDSP (as amended). Under all circumstances, the auto sales, service, and ancillary uses would include the following components: (1) sales (including administrative space), (2) service (including quick service, maintenance and repair (but not including any body work), detailing, car wash and administrative space), (3) parts (service and retail), and (4) inventory display.

The project site is located in the City of Walnut Creek, Contra Costa County, California. The project site is generally bounded by Pine Street (north), Civic Drive (east) Ygnacio Valley Road (south), and North Main Street (west).

Research Status

A CEQA Tribal Consultation List and search of the Sacred Lands File were requested the Native American Heritage Commission (NAHC) on July 22, 2021. On July 29, 2021, we received the NAHC response, indicating the results of the Sacred Lands search were negative. The list included the names and contact information of five tribal representatives, including yourself, that may be interested in consulting on the project pursuant to AB-52 and SB 18.

On July 27, 2021, a records search for the project site and a 0.5-mile radius beyond the project site boundary was conducted at the NWIC located at Sonoma State University in Rohnert Park, California. The current inventories of the National Register of Historic Places (NRHP), the California Register of Historical Resources (CRHR), the California Historical Landmarks (CHL) list, the California Points of Historical Interest (CPHI) list, and the California Built Environment Resource Directory (BERD) for Contra Costa County were also reviewed to determine the existence of previously documented local historical resources.

The results of the records search indicate that there are no previously recorded cultural resources or survey reports in the project site. There are four historic resources within a 0.5-mile radius of the project area. In addition, thirty-five survey reports are on file with the NWIC for a 0.5-mile radius of the project area. This suggests that while the project site itself has not been previously surveyed, the surrounding 0.5-mile radius have been assessed for cultural resources.

On September 2, 2021, and October 27, 2021 FCS Senior Archaeologist Dr. Dana DePietro and FCS Historian Ti Ngo conducted a pedestrian survey for unrecorded cultural resources within the project boundary. Sites A-E are completely developed and hardscaped, containing 12 structures relating to auto sales and maintenance, wrap around parking lots, associated infrastructure, and landscaping elements.

The survey began in the southwest corner of Site A and moved west across the sites, using north-south transects spaced at approximately 15-meter intervals whenever possible. Given the fully developed nature of Sites A-E, visibility of native soils was almost non-existent, however soils along the edges of the properties were closely inspected, and while highly disturbed, provided some information on soil profiles. Visible soils were largely composed of medium brown (Munsell 7.5YR 2.5) loam with moderate clay content, interspersed with small (2-3 cm) stones primarily composed of quartz and schist.

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Contact Information

The City of Walnut Creek lead contact for SB-18 Consultation on this project is:

Chip Griffin
Senior Planner
City of Walnut Creek Community and
Economic Development Department
1666 North Main Street
Walnut Creek, CA 94596

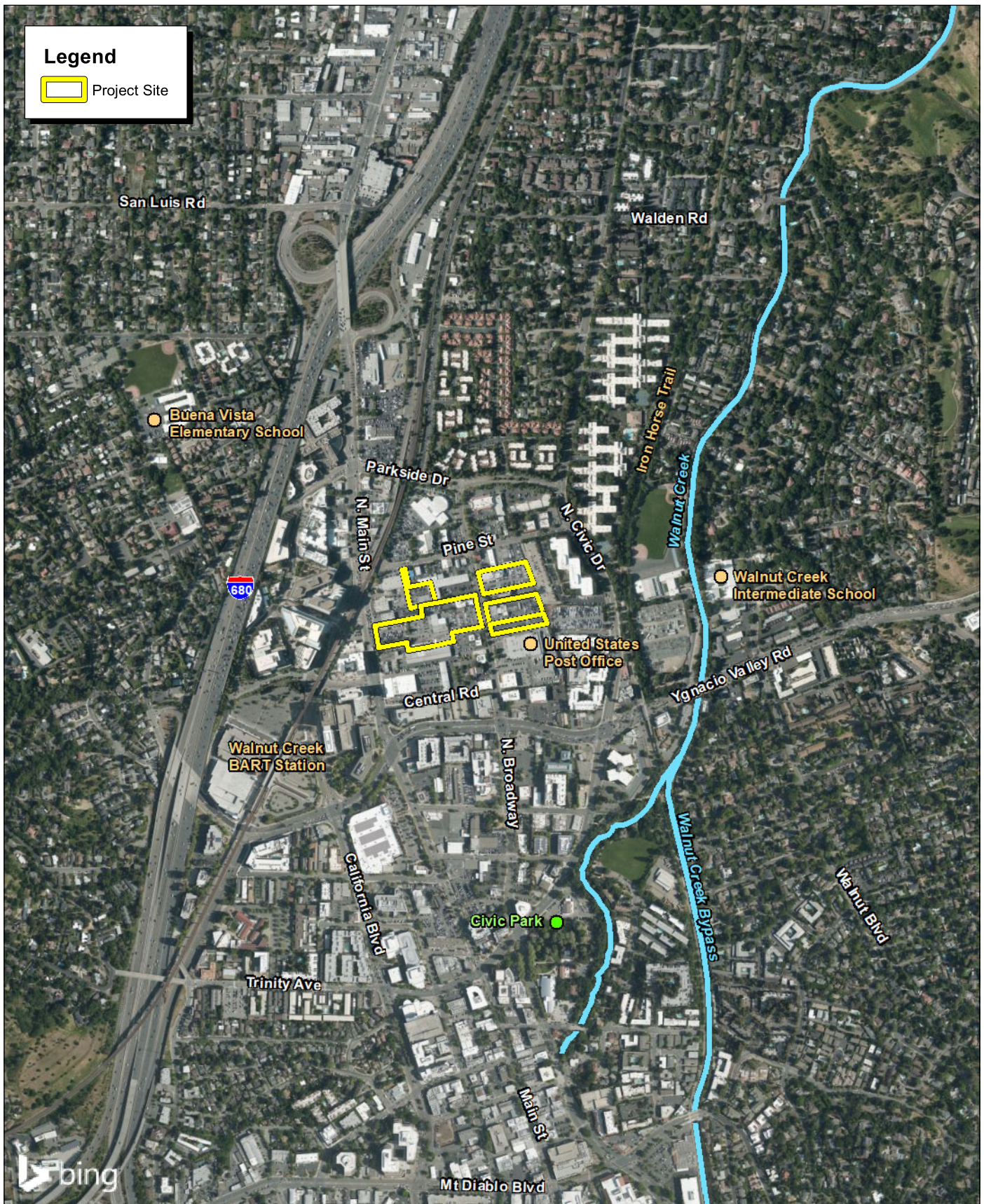
c/o Dana Douglas DePietro, Ph.D.
Senior Archaeologist
FirstCarbon Solutions
1350 Treat Boulevard, Ste. 380
Walnut Creek, CA 94597

If the Indian Canyon Mutsun Band of Costanoan wishes to consult with the City regarding the Walnut Creek – Mixed Use Special District project, please indicate in writing via letter or email addressed to the lead contact provided above within 90 days (on or before January 16, 2022) and provide the name of the tribe's designated lead contact person.

Sincerely,

Chip Griffin
Senior Planner

Enclosures: Exhibit 1: Existing Site Information
 Local Vicinity Map
 NAHC Response Letter



Source: bing Aerial Imagery.





NATIVE AMERICAN HERITAGE COMMISSION

July 27, 2021

Dr. Dana DePietro
First Carbon Solutions

Via Email to: ddepietro@fcs-intl.com

CHAIRPERSON
Laura Miranda
Luiseño

VICE CHAIRPERSON
Reginald Pagaling
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SECRETARY
Merri Lopez-Keifer
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PARLIAMENTARIAN
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If you receive notification of change of addresses and phone numbers from tribes, please notify the NAHC. With your assistance, we can assure that our consultation list remains current.

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

Sincerely,



Katy Sanchez
Associate Environmental Planner

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July 27, 2021

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July 27, 2021

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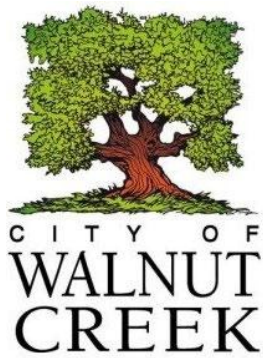
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November 16, 2021

Indian Canyon Mutsun Band of Costanoan
Kanyon Sayers-Roods
1615 Pearson Court
San Jose, CA 95122

Subject: Project Update: Walnut Creek – Mixed Use Special District Project in the City of Walnut Creek

Dear Kanyon Sayers-Roods,

After receiving your contact information from the Native American Heritage Commission (NAHC), the City of Walnut Creek sent two formal letters containing project information and an invitation to consult on the proposed Walnut Creek – Mixed Special Use District Project (proposed project). The first letter was sent on October 8, 2021, pursuant to Public Resources Code Section 21080.3.1 and 21080.3.2, Assembly Bill (AB) 52. Because the proposed project would also include a General Plan Amendment, a follow-up letter was sent on November 4, 2021, that included an invitation to consult on the project pursuant to Government Code Section 65351 Senate Bill (SB) 18.

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Contact Information

The City of Walnut Creek lead contact for SB-18 Consultation on this project is:

Chip Griffin
Senior Planner
City of Walnut Creek Community and
Economic Development Department
1666 North Main Street
Walnut Creek, CA 94596

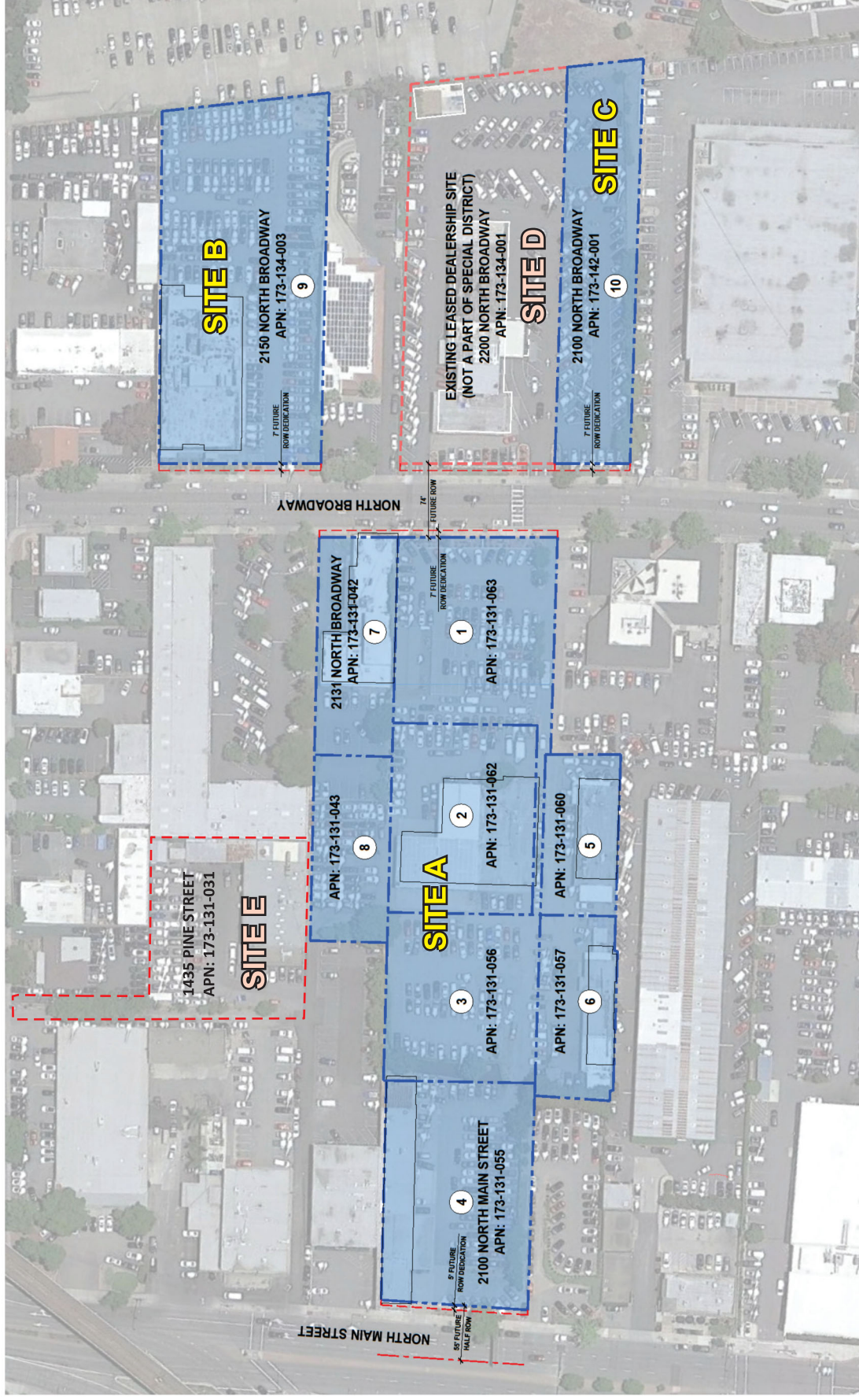
c/o Dana Douglas DePietro, Ph.D.
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1350 Treat Boulevard, Ste. 380
Walnut Creek, CA 94597

If the Indian Canyon Mutsun Band of Costanoan wishes to consult with the City regarding the Walnut Creek – Mixed Use Special District project, please indicate in writing via letter or email addressed to the lead contact provided above within 90 days (on or before January 16, 2022) and provide the name of the tribe's designated lead contact person.

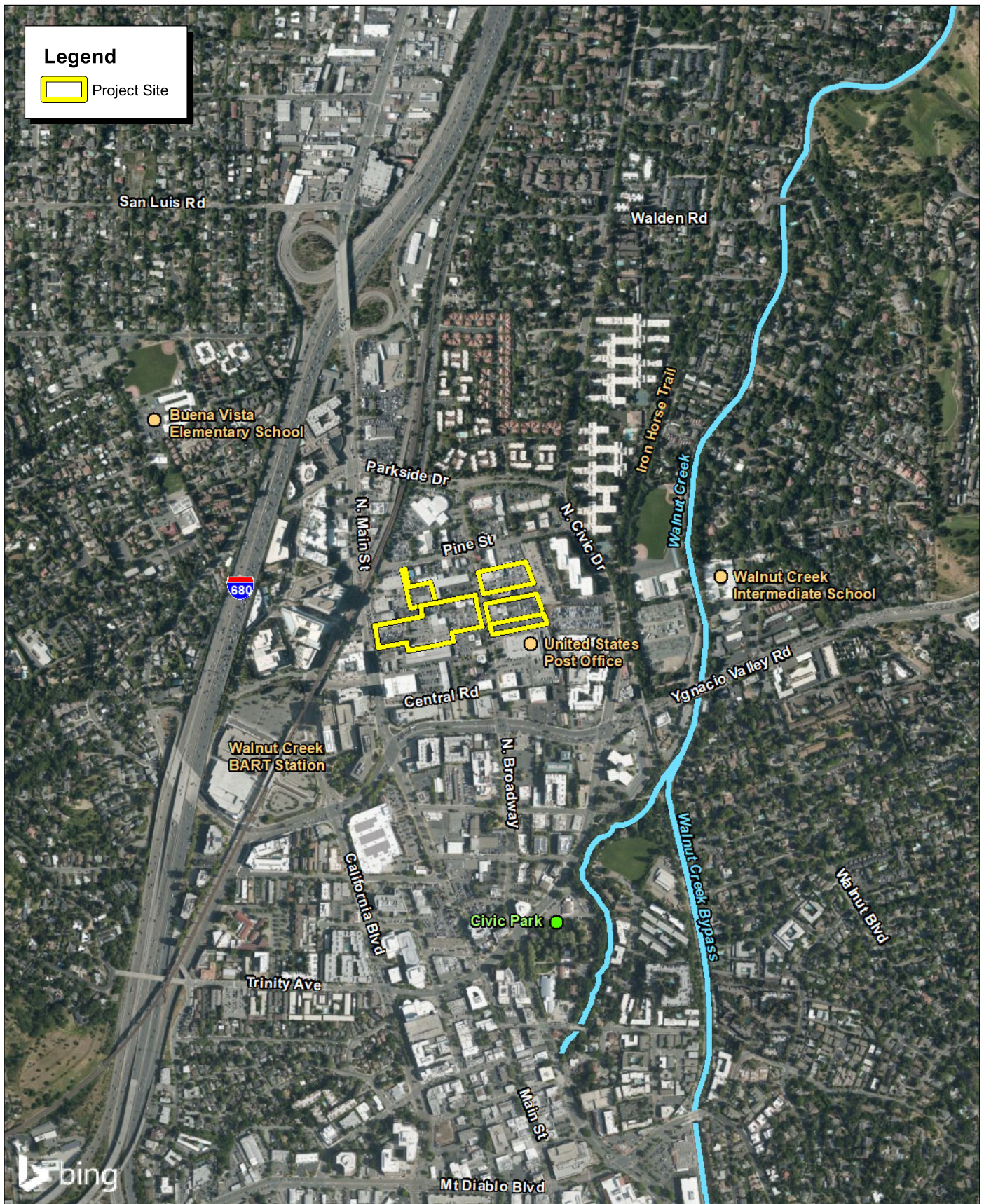
Sincerely,

Chip Griffin
Senior Planner

Enclosures: Exhibit 1: Existing Site Information
 Local Vicinity Map
 NAHC Response Letter



SPECIAL DISTRICT PARCEL
REFERENCE NUMBERS



Source: bing Aerial Imagery.

FIRSTCARBON
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1,000 500 0 1,000
Feet

Local Vicinity Map



NATIVE AMERICAN HERITAGE COMMISSION

July 27, 2021

Dr. Dana DePietro
First Carbon Solutions

Via Email to: ddepietro@fcs-intl.com

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Pomo

NAHC HEADQUARTERS
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov
NAHC.ca.gov

Re: Native American Tribal Consultation, Pursuant to the Assembly Bill 52 (AB 52), Amendments to the California Environmental Quality Act (CEQA) (Chapter 532, Statutes of 2014), Public Resources Code Sections 5097.94 (m), 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2 and 21084.3, Walnut Creek-Mixed Use Special District, Contra Costa County

To Dr. DePietro:

Pursuant to Public Resources Code section 21080.3.1 (c), attached is a consultation list of tribes that are traditionally and culturally affiliated with the geographic area of the above-listed project. Please note that the intent of the AB 52 amendments to CEQA is to avoid and/or mitigate impacts to tribal cultural resources, (Pub. Resources Code §21084.3 (a)) ("Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource.")

Public Resources Code sections 21080.3.1 and 21084.3(c) require CEQA lead agencies to consult with California Native American tribes that have requested notice from such agencies of proposed projects in the geographic area that are traditionally and culturally affiliated with the tribes on projects for which a Notice of Preparation or Notice of Negative Declaration or Mitigated Negative Declaration has been filed on or after July 1, 2015. Specifically, Public Resources Code section 21080.3.1 (d) provides:

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

The AB 52 amendments to CEQA law does not preclude initiating consultation with the tribes that are culturally and traditionally affiliated within your jurisdiction prior to receiving requests for notification of projects in the tribe's areas of traditional and cultural affiliation. The Native American Heritage Commission (NAHC) recommends, but does not require, early consultation as a best practice to ensure that lead agencies receive sufficient information about cultural resources in a project area to avoid damaging effects to tribal cultural resources.

The NAHC also recommends, but does not require that agencies should also include with their notification letters, information regarding any cultural resources assessment that has been completed on the area of potential effect (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 that have already been recorded on or adjacent to the APE, such as known archaeological sites;
- Copies of any and all cultural resource records and study reports that may have been provided by the Information Center as part of the records search response;
- Whether the records search indicates a low, moderate, or high probability that unrecorded cultural resources are located in the APE; and
- If a survey is recommended by the Information Center to determine whether previously unrecorded cultural resources are present.

2. The results of any archaeological inventory survey that was conducted, including:

- Any report that may contain site forms, site significance, and suggested mitigation measures.

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

3. The result of any Sacred Lands File (SLF) check conducted through the Native American Heritage Commission was negative.

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

5. Any geotechnical reports regarding all or part of the APE.

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

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

If you receive notification of change of addresses and phone numbers from tribes, please notify the NAHC. With your assistance, we can assure that our consultation list remains current.

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

Sincerely,



Katy Sanchez
Associate Environmental Planner

Attachment

Native American Heritage Commission
Native American Contacts List
July 27, 2021

Amah Mutsun Tribal Band of Mission San Juan Bautista Irene Zwielerlein, Chairperson 3030 Soda Bay Road Lakeport ,CA 95453 amahmutsuntribal@gmail.com (650) 851-7489 Cell (650) 332-1526 Fax	Ohlone/Costanoan	Muwekma Ohlone Indian Tribe of the SF Bay Area Monica Arellano, Vice Chairwoman 20885 Redwood Road, Suite 232 Castro Valley ,CA 94546 marellano@muwekma.org (408) 205-9714	Ohlone / Costanoan
Chicken Ranch Rancheria of Me-Wuk Indians Lloyd Mathiesen, Chairperson P.O. Box 1159 Jamestown ,CA 95327 lmathiesen@crttribal.com (209) 984-9066 (209) 984-9269	Miwok - Me-wuk	North Valley Yokuts Tribe Katherine Erolinda Perez, Chairperson P.O. Box 717 Linden ,CA 95236 canutes@verizon.net (209) 887-3415 (209) 649-8972 (cell)	Ohlone/Costanoan Northern Valley Yokuts Bay Miwok
Guidiville Indian Rancheria Donald Duncan, Chairperson P.O. Box 339 Talmage ,CA 95481 admin@guidiville.net (707) 462-3682 (707) 462-9183 Fax	Pomo	North Valley Yokuts Tribe Timothy Perez, MLD Contact P.O. Box 717 Linden ,CA 95236 huskanam@gmail.com (209) 662-2788	Ohlone/Costanoan Northern Valley Yokuts Bay Miwok
Indian Canyon Mutsun Band of Costanoan Kanyon Sayers-Roods 1615 Pearson Court San Jose ,CA 95122 kanyon@kanyonconsulting.com 408-673-0626	Ohlone/Costanoan	The Confederated Villages of Lisjan Corrina Gould, Chairperson 10926 Edes Avenue Oakland ,CA 94603 cvltribe@gmail.com (510) 575-8408	Ohlone/Costanoan
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Native American Heritage Commission
Native American Contacts List
July 27, 2021

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Jesus G. Tarango Jr., Chairperson
9728 Kent Street
Elk Grove, CA 95624
jtarango@wiltonrancheria-nsn.gov
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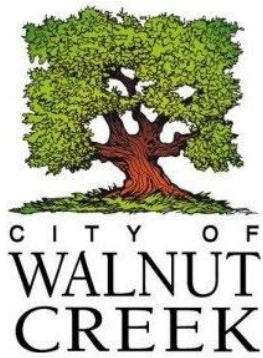
Miwok

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(916) 683-6015 Fax

Miwok



November 16, 2021

North Valley Yokuts Tribe
Timothy Perez, MLD Contact
P.O. Box 717
Linden, CA 95236

Subject: Project Update: Walnut Creek – Mixed Use Special District Project in the City of Walnut Creek

Dear Timothy Perez,

After receiving your contact information from the Native American Heritage Commission (NAHC), the City of Walnut Creek sent two formal letters containing project information and an invitation to consult on the proposed Walnut Creek – Mixed Special Use District Project (proposed project). The first letter was sent on October 8, 2021, pursuant to Public Resources Code Section 21080.3.1 and 21080.3.2, Assembly Bill (AB) 52. Because the proposed project would also include a General Plan Amendment, a follow-up letter was sent on November 4, 2021, that included an invitation to consult on the project pursuant to Government Code Section 65351 Senate Bill (SB) 18.

The proposed project is located in the City of Walnut Creek, Contra Costa County, CA and is subject to compliance with the California Environmental Quality Act (CEQA). The City of Walnut Creek is the lead CEQA agency responsible for consulting with California Native American Tribes pursuant to both AB-52 and SB-18.

This third notification serves as an update to the proposed project description. Accordingly, this letter provides a brief, updated description of the proposed project, an updated location map, and lead agency contact information. Please note that pursuant to SB-18, a request for consultation must be received in writing within 90 days, on or before January 16, 2022, and shall provide the name of the tribe's designated lead contact person.

Project Description Update

The North Downtown Specific Plan (NDSP) area encompasses 191 acres and designates the proposed 6.2-acre Mixed Use Special District (Sites A, B, and C as shown in Exhibit 1) as well as the existing dealership site (Site D) and an approximately 0.82-acre property (Site E), located adjacent to Site A for Automobile

Sales/Service and Custom Manufacturing uses. The Applicant is proposing to amend the NDSP to create a new Auto Sales–Custom Manufacturing Mixed Use Special District overlay that would apply only to the 6.2-acre Mixed Use Special District (Sites A, B, and C as shown in Exhibit 1). These amendments would facilitate redevelopment of the approximately 6.2-acre site within the NDSP area (Sites A, B, and C, as shown in Exhibit 1), as well as the existing 1.42-acre site where Toyota Walnut Creek presently operates, Site D, and Site E. Sites D and E would be developed with uses consistent with the currently approved NDSP. The goal of the proposed amendments is to facilitate the retention, enhancement and long-term viability of the Applicant’s auto sales and service uses within the City in an economically viable manner by allowing for redevelopment of lands within the Mixed Use Special District with other multiple potential mixed uses including multi-family residential, hotel, or other non-residential uses compatible with automotive sales, service and ancillary uses.

In any redevelopment proposal under the NDSP (as amended), the Applicant would be required to retain and enhance its auto sales, service and ancillary uses in accordance with the criteria and policies set forth in the NDSP (as amended). Under all circumstances, the auto sales, service, and ancillary uses would include the following components: (1) sales (including administrative space), (2) service (including quick service, maintenance and repair (but not including any body work), detailing, car wash and administrative space), (3) parts (service and retail), and (4) inventory display.

The project site is located in the City of Walnut Creek, Contra Costa County, California. The project site is generally bounded by Pine Street (north), Civic Drive (east) Ygnacio Valley Road (south), and North Main Street (west).

Research Status

A CEQA Tribal Consultation List and search of the Sacred Lands File were requested the Native American Heritage Commission (NAHC) on July 22, 2021. On July 29, 2021, we received the NAHC response, indicating the results of the Sacred Lands search were negative. The list included the names and contact information of five tribal representatives, including yourself, that may be interested in consulting on the project pursuant to AB-52 and SB 18.

On July 27, 2021, a records search for the project site and a 0.5-mile radius beyond the project site boundary was conducted at the NWIC located at Sonoma State University in Rohnert Park, California. The current inventories of the National Register of Historic Places (NRHP), the California Register of Historical Resources (CRHR), the California Historical Landmarks (CHL) list, the California Points of Historical Interest (CPHI) list, and the California Built Environment Resource Directory (BERD) for Contra Costa County were also reviewed to determine the existence of previously documented local historical resources.

The results of the records search indicate that there are no previously recorded cultural resources or survey reports in the project site. There are four historic resources within a 0.5-mile radius of the project area. In addition, thirty-five survey reports are on file with the NWIC for a 0.5-mile radius of the project area. This suggests that while the project site itself has not been previously surveyed, the surrounding 0.5-mile radius have been assessed for cultural resources.

On September 2, 2021, and October 27, 2021 FCS Senior Archaeologist Dr. Dana DePietro and FCS Historian Ti Ngo conducted a pedestrian survey for unrecorded cultural resources within the project boundary. Sites A-E are completely developed and hardscaped, containing 12 structures relating to auto sales and maintenance, wrap around parking lots, associated infrastructure, and landscaping elements.

The survey began in the southwest corner of Site A and moved west across the sites, using north-south transects spaced at approximately 15-meter intervals whenever possible. Given the fully developed nature of Sites A-E, visibility of native soils was almost non-existent, however soils along the edges of the properties were closely inspected, and while highly disturbed, provided some information on soil profiles. Visible soils were largely composed of medium brown (Munsell 7.5YR 2.5) loam with moderate clay content, interspersed with small (2-3 cm) stones primarily composed of quartz and schist.

Survey conditions were documented using digital photographs and field notes. During the survey, Dr. DePietro and Mr. Ngo examined all areas of the exposed ground surface for prehistoric artifacts (e.g., fire-affected rock, milling tools, flaked stone tools, tool-making debris, ceramics), soil discoloration and depressions that might indicate the presence of a cultural midden, faunal and human osteological remains, and features indicative of the former presence of structures or buildings (e.g., postholes, standing exterior walls, foundations) or historic debris (e.g., glass, metal, ceramics). No historic or prehistoric artifacts, cultural resources, or raw materials commonly used in the manufacture of tools (e.g., obsidian, Franciscan chert, etc.) were observed within visible soils within the project site.

Contact Information

The City of Walnut Creek lead contact for SB-18 Consultation on this project is:

Chip Griffin
Senior Planner
City of Walnut Creek Community and
Economic Development Department
1666 North Main Street
Walnut Creek, CA 94596

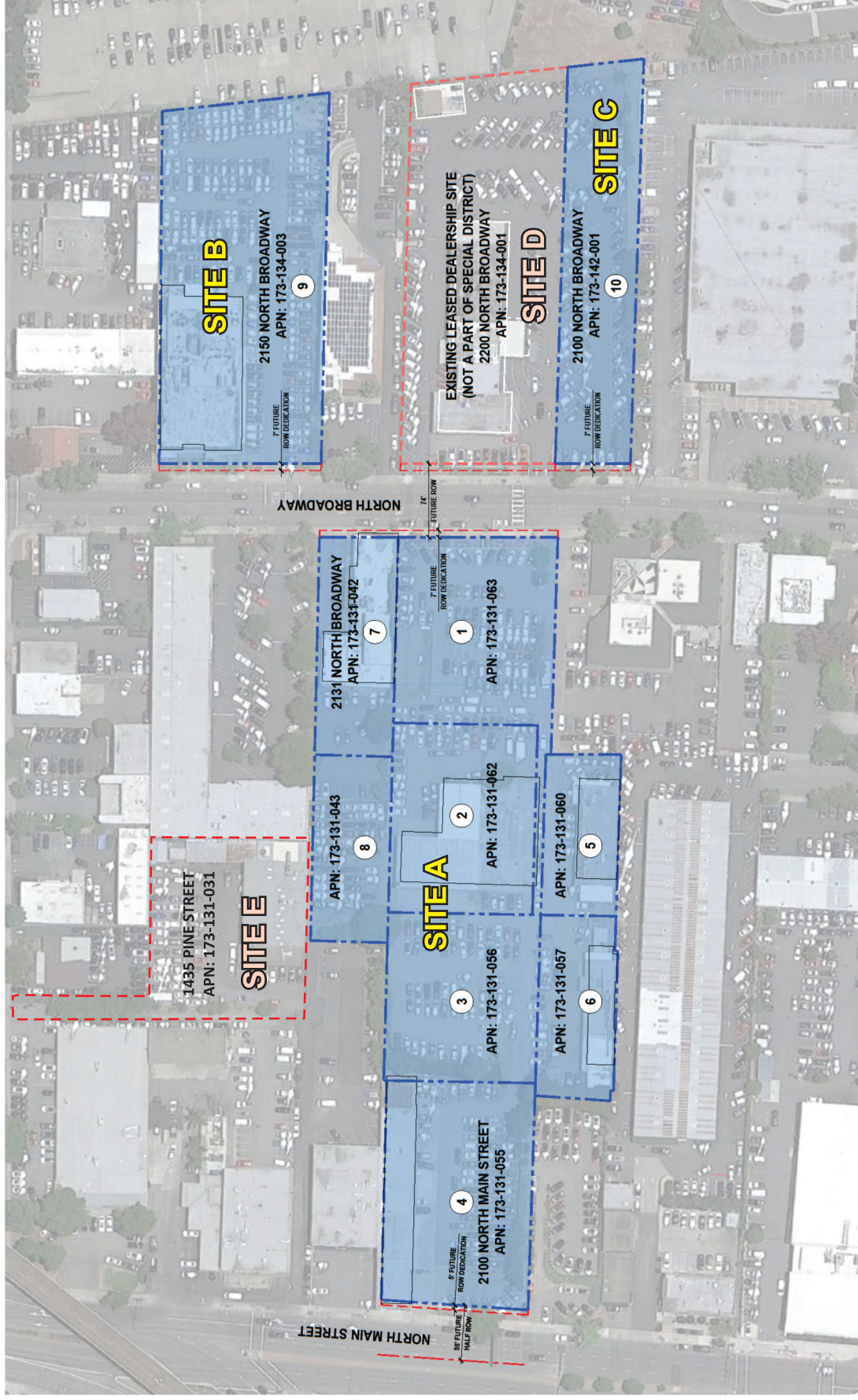
c/o Dana Douglas DePietro, Ph.D.
Senior Archaeologist
FirstCarbon Solutions
1350 Treat Boulevard, Ste. 380
Walnut Creek, CA 94597

If the North Valley Yokuts Tribe wishes to consult with the City regarding the Walnut Creek – Mixed Use Special District project, please indicate in writing via letter or email addressed to the lead contact provided above within 90 days (on or before January 16, 2022) and provide the name of the tribe's designated lead contact person.

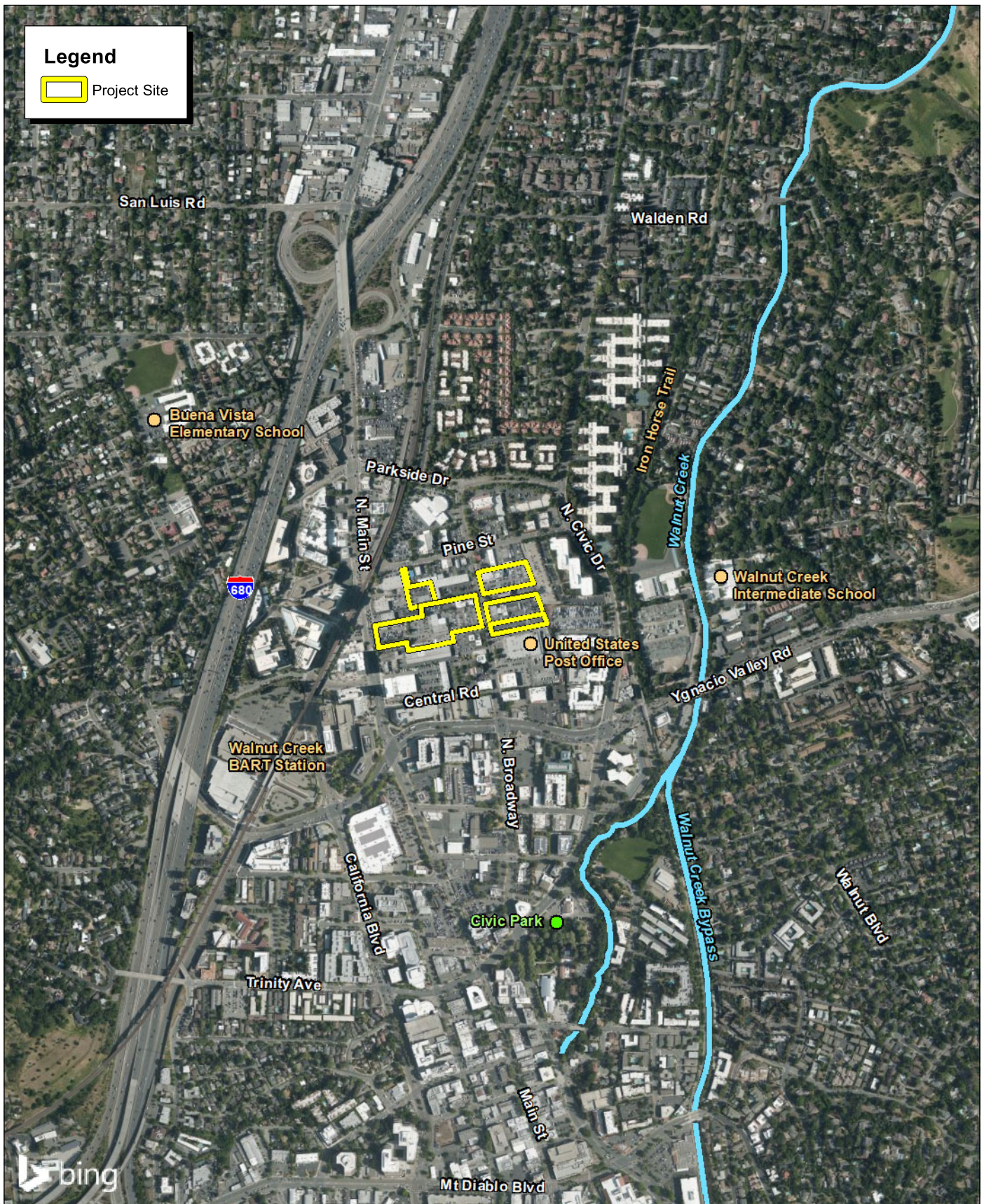
Sincerely,

Chip Griffin
Senior Planner

Enclosures: Exhibit 1: Existing Site Information
 Local Vicinity Map
 NAHC Response Letter



SPECIAL DISTRICT PARCEL
REFERENCE NUMBERS



Source: bing Aerial Imagery.

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SOLUTIONS™



1,000 500 0 1,000
Feet

Local Vicinity Map

**NATIVE AMERICAN HERITAGE COMMISSION**

July 27, 2021

Dr. Dana DePietro
First Carbon SolutionsVia Email to: ddepietro@fcs-intl.comCHAIRPERSON
Laura Miranda
LuiseñoVICE CHAIRPERSON
Reginald Pagaling
ChumashSECRETARY
Merri Lopez-Keifer
LuiseñoPARLIAMENTARIAN
Russell Attebery
KarukCOMMISSIONER
William Mungary
Paiute/White Mountain
ApacheCOMMISSIONER
Julie Tumamait-Stenslie
ChumashCOMMISSIONER
[Vacant]COMMISSIONER
[Vacant]COMMISSIONER
[Vacant]EXECUTIVE SECRETARY
Christina Snider
Pomo**NAHC HEADQUARTERS**
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov
NAHC.ca.gov**Re: Native American Tribal Consultation, Pursuant to the Assembly Bill 52 (AB 52), Amendments to the California Environmental Quality Act (CEQA) (Chapter 532, Statutes of 2014), Public Resources Code Sections 5097.94 (m), 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2 and 21084.3, Walnut Creek-Mixed Use Special District, Contra Costa County**

To Dr. DePietro:

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

If you receive notification of change of addresses and phone numbers from tribes, please notify the NAHC. With your assistance, we can assure that our consultation list remains current.

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

Sincerely,



Katy Sanchez
Associate Environmental Planner

Attachment

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Native American Contacts List
July 27, 2021

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**Native American Heritage Commission
Native American Contacts List
July 27, 2021**

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Elk Grove, CA 95624
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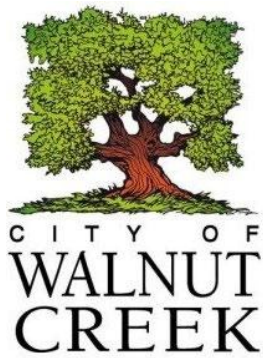
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Miwok



November 16, 2021

Wilton Rancheria
Jesus G. Tarango Jr., Chairperson
9728 Kent Street
Elk Grove, CA 95624

Subject: Project Update: Walnut Creek – Mixed Use Special District Project in the City of Walnut Creek

Dear Chairperson Jesus G. Tarango Jr.,

After receiving your contact information from the Native American Heritage Commission (NAHC), the City of Walnut Creek sent two formal letters containing project information and an invitation to consult on the proposed Walnut Creek – Mixed Special Use District Project (proposed project). The first letter was sent on October 8, 2021, pursuant to Public Resources Code Section 21080.3.1 and 21080.3.2, Assembly Bill (AB) 52. Because the proposed project would also include a General Plan Amendment, a follow-up letter was sent on November 4, 2021, that included an invitation to consult on the project pursuant to Government Code Section 65351 Senate Bill (SB) 18.

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Project Description Update

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Sales/Service and Custom Manufacturing uses. The Applicant is proposing to amend the NDSP to create a new Auto Sales–Custom Manufacturing Mixed Use Special District overlay that would apply only to the 6.2-acre Mixed Use Special District (Sites A, B, and C as shown in Exhibit 1). These amendments would facilitate redevelopment of the approximately 6.2-acre site within the NDSP area (Sites A, B, and C, as shown in Exhibit 1), as well as the existing 1.42-acre site where Toyota Walnut Creek presently operates, Site D, and Site E. Sites D and E would be developed with uses consistent with the currently approved NDSP. The goal of the proposed amendments is to facilitate the retention, enhancement and long-term viability of the Applicant’s auto sales and service uses within the City in an economically viable manner by allowing for redevelopment of lands within the Mixed Use Special District with other multiple potential mixed uses including multi-family residential, hotel, or other non-residential uses compatible with automotive sales, service and ancillary uses.

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The project site is located in the City of Walnut Creek, Contra Costa County, California. The project site is generally bounded by Pine Street (north), Civic Drive (east) Ygnacio Valley Road (south), and North Main Street (west).

Research Status

A CEQA Tribal Consultation List and search of the Sacred Lands File were requested the Native American Heritage Commission (NAHC) on July 22, 2021. On July 29, 2021, we received the NAHC response, indicating the results of the Sacred Lands search were negative. The list included the names and contact information of five tribal representatives, including yourself, that may be interested in consulting on the project pursuant to AB-52 and SB 18.

On July 27, 2021, a records search for the project site and a 0.5-mile radius beyond the project site boundary was conducted at the NWIC located at Sonoma State University in Rohnert Park, California. The current inventories of the National Register of Historic Places (NRHP), the California Register of Historical Resources (CRHR), the California Historical Landmarks (CHL) list, the California Points of Historical Interest (CPHI) list, and the California Built Environment Resource Directory (BERD) for Contra Costa County were also reviewed to determine the existence of previously documented local historical resources.

The results of the records search indicate that there are no previously recorded cultural resources or survey reports in the project site. There are four historic resources within a 0.5-mile radius of the project area. In addition, thirty-five survey reports are on file with the NWIC for a 0.5-mile radius of the project area. This suggests that while the project site itself has not been previously surveyed, the surrounding 0.5-mile radius have been assessed for cultural resources.

On September 2, 2021, and October 27, 2021 FCS Senior Archaeologist Dr. Dana DePietro and FCS Historian Ti Ngo conducted a pedestrian survey for unrecorded cultural resources within the project boundary. Sites A-E are completely developed and hardscaped, containing 12 structures relating to auto sales and maintenance, wrap around parking lots, associated infrastructure, and landscaping elements.

The survey began in the southwest corner of Site A and moved west across the sites, using north-south transects spaced at approximately 15-meter intervals whenever possible. Given the fully developed nature of Sites A-E, visibility of native soils was almost non-existent, however soils along the edges of the properties were closely inspected, and while highly disturbed, provided some information on soil profiles. Visible soils were largely composed of medium brown (Munsell 7.5YR 2.5) loam with moderate clay content, interspersed with small (2-3 cm) stones primarily composed of quartz and schist.

Survey conditions were documented using digital photographs and field notes. During the survey, Dr. DePietro and Mr. Ngo examined all areas of the exposed ground surface for prehistoric artifacts (e.g., fire-affected rock, milling tools, flaked stone tools, tool-making debris, ceramics), soil discoloration and depressions that might indicate the presence of a cultural midden, faunal and human osteological remains, and features indicative of the former presence of structures or buildings (e.g., postholes, standing exterior walls, foundations) or historic debris (e.g., glass, metal, ceramics). No historic or prehistoric artifacts, cultural resources, or raw materials commonly used in the manufacture of tools (e.g., obsidian, Franciscan chert, etc.) were observed within visible soils within the project site.

Contact Information

The City of Walnut Creek lead contact for SB-18 Consultation on this project is:

Chip Griffin
Senior Planner
City of Walnut Creek Community and
Economic Development Department
1666 North Main Street
Walnut Creek, CA 94596

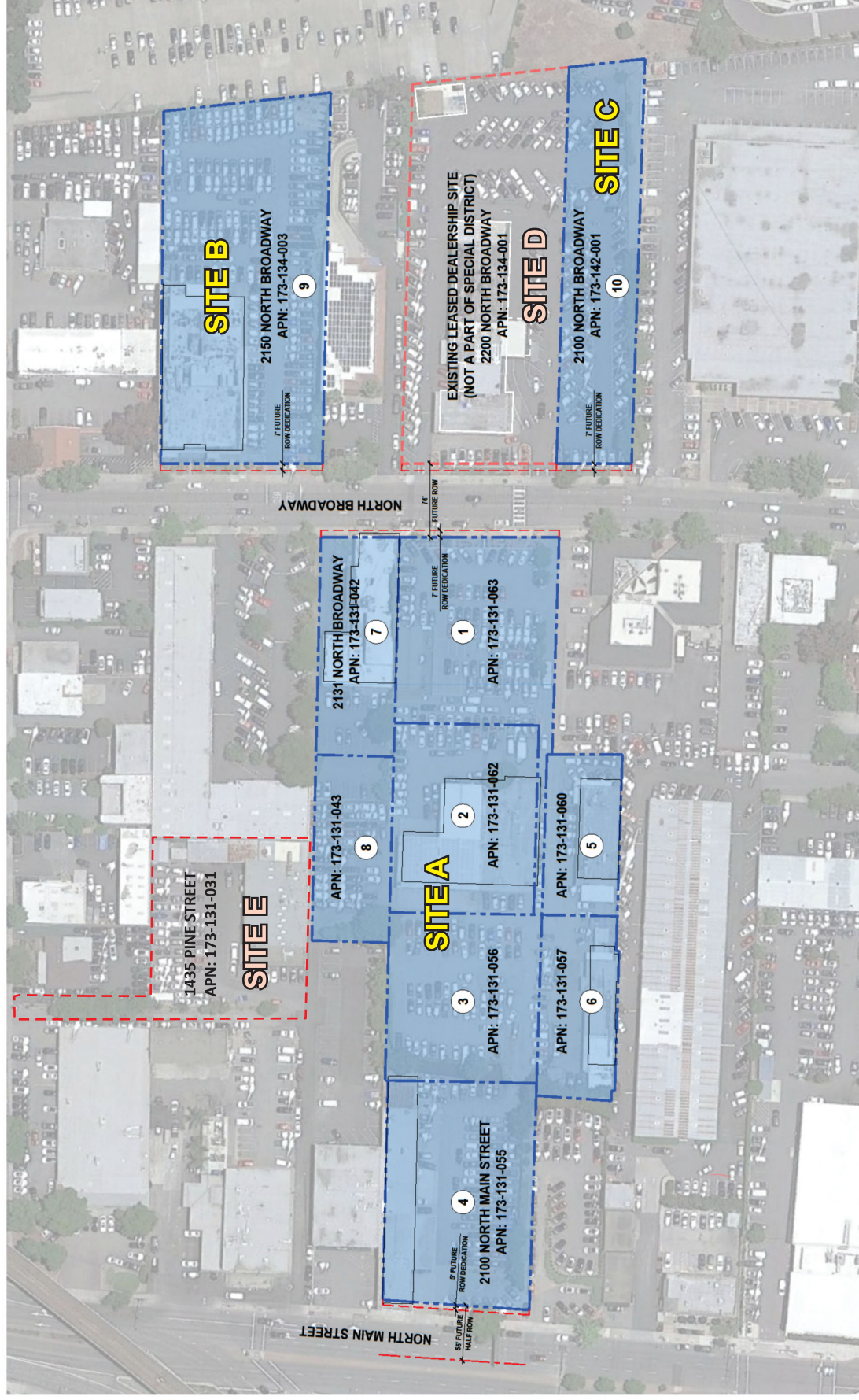
c/o Dana Douglas DePietro, Ph.D.
Senior Archaeologist
FirstCarbon Solutions
1350 Treat Boulevard, Ste. 380
Walnut Creek, CA 94597

If Wilton Rancheria wishes to consult with the City regarding the Walnut Creek – Mixed Use Special District project, please indicate in writing via letter or email addressed to the lead contact provided above within 90 days (on or before January 16, 2022) and provide the name of the tribe's designated lead contact person.

Sincerely,

Chip Griffin
Senior Planner

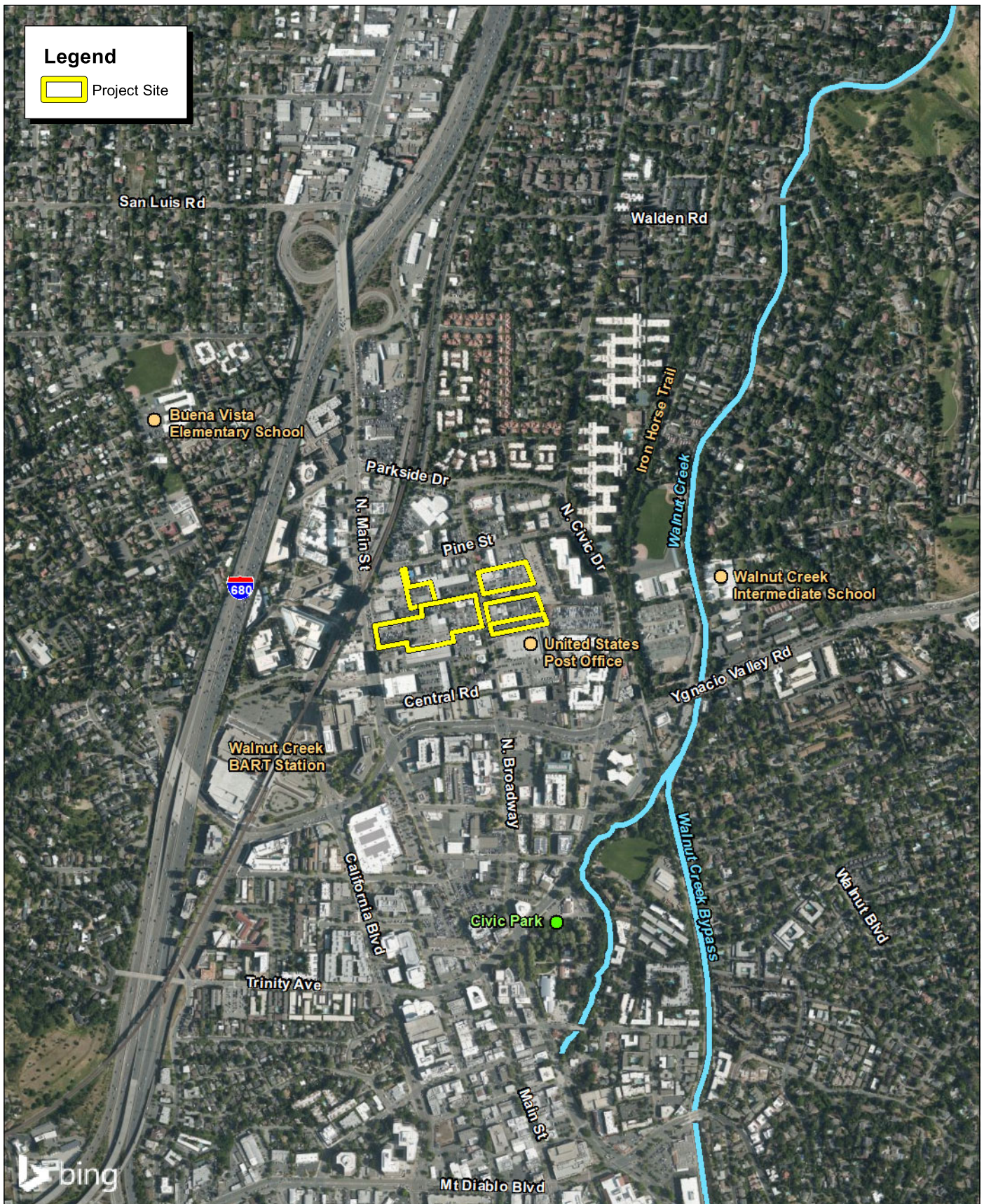
Enclosures: Exhibit 1: Existing Site Information
 Local Vicinity Map
 NAHC Response Letter



SPECIAL DISTRICT PARCEL REFERENCE NUMBERS

Existing Site Information

CITY OF WALNUT CREEK
WALNUT CREEK MIXED USE SPECIAL DISTRICT PROJECT



Source: bing Aerial Imagery.





NATIVE AMERICAN HERITAGE COMMISSION

July 27, 2021

Dr. Dana DePietro
First Carbon Solutions

Via Email to: ddepietro@fcs-intl.com

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Re: Native American Tribal Consultation, Pursuant to the Assembly Bill 52 (AB 52), Amendments to the California Environmental Quality Act (CEQA) (Chapter 532, Statutes of 2014), Public Resources Code Sections 5097.94 (m), 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2 and 21084.3, Walnut Creek-Mixed Use Special District, Contra Costa County

To Dr. DePietro:

Pursuant to Public Resources Code section 21080.3.1 (c), attached is a consultation list of tribes that are traditionally and culturally affiliated with the geographic area of the above-listed project. Please note that the intent of the AB 52 amendments to CEQA is to avoid and/or mitigate impacts to tribal cultural resources, (Pub. Resources Code §21084.3 (a)) ("Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource.")

Public Resources Code sections 21080.3.1 and 21084.3(c) require CEQA lead agencies to consult with California Native American tribes that have requested notice from such agencies of proposed projects in the geographic area that are traditionally and culturally affiliated with the tribes on projects for which a Notice of Preparation or Notice of Negative Declaration or Mitigated Negative Declaration has been filed on or after July 1, 2015. Specifically, Public Resources Code section 21080.3.1 (d) provides:

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

The AB 52 amendments to CEQA law does not preclude initiating consultation with the tribes that are culturally and traditionally affiliated within your jurisdiction prior to receiving requests for notification of projects in the tribe's areas of traditional and cultural affiliation. The Native American Heritage Commission (NAHC) recommends, but does not require, early consultation as a best practice to ensure that lead agencies receive sufficient information about cultural resources in a project area to avoid damaging effects to tribal cultural resources.

The NAHC also recommends, but does not require that agencies should also include with their notification letters, information regarding any cultural resources assessment that has been completed on the area of potential effect (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 that have already been recorded on or adjacent to the APE, such as known archaeological sites;
- Copies of any and all cultural resource records and study reports that may have been provided by the Information Center as part of the records search response;
- Whether the records search indicates a low, moderate, or high probability that unrecorded cultural resources are located in the APE; and
- If a survey is recommended by the Information Center to determine whether previously unrecorded cultural resources are present.

2. The results of any archaeological inventory survey that was conducted, including:

- Any report that may contain site forms, site significance, and suggested mitigation measures.

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

3. The result of any Sacred Lands File (SLF) check conducted through the Native American Heritage Commission was negative.

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

5. Any geotechnical reports regarding all or part of the APE.

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

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

If you receive notification of change of addresses and phone numbers from tribes, please notify the NAHC. With your assistance, we can assure that our consultation list remains current.

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

Sincerely,



Katy Sanchez
Associate Environmental Planner

Attachment

Native American Heritage Commission
Native American Contacts List
July 27, 2021

Amah Mutsun Tribal Band of Mission San Juan Bautista Irene Zwierlein, Chairperson 3030 Soda Bay Road Lakeport ,CA 95453 amahmutsuntribal@gmail.com (650) 851-7489 Cell (650) 332-1526 Fax	Ohlone/Costanoan	Muwekma Ohlone Indian Tribe of the SF Bay Area Monica Arellano, Vice Chairwoman 20885 Redwood Road, Suite 232 Castro Valley ,CA 94546 marellano@muwekma.org (408) 205-9714	Ohlone / Costanoan
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Indian Canyon Mutsun Band of Costanoan Kanyon Sayers-Roods 1615 Pearson Court San Jose ,CA 95122 kanyon@kanyonconsulting.com 408-673-0626	Ohlone/Costanoan	The Confederated Villages of Lisjan Corrina Gould, Chairperson 10926 Edes Avenue Oakland ,CA 94603 cvltribe@gmail.com (510) 575-8408	Ohlone/Costanoan
Indian Canyon Mutsun Band of Costanoan Ann Marie Sayers, Chairperson P.O. Box 28 Hollister ,CA 95024 ams@indiancanyon.org (831) 637-4238	Ohlone/Costanoan	The Ohlone Indian Tribe Andrew Galvan P.O. Box 3388 Fremont ,CA 94539 chochenyo@AOL.com (510) 882-0527 Cell (510) 687-9393 Fax	Ohlone Bay Miwok Plains Miwok Patwin

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Native American Contacts List
July 27, 2021

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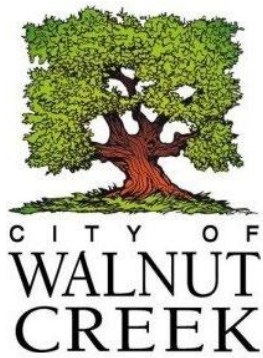
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Miwok



November 16, 2021

Amah Mutsun Tribal Band of Mission San Juan Bautista
Irene Zwierlein, Chairperson
3030 Soda Bay Road
Lakeport, CA 95453

Subject: Project Update: Walnut Creek – Mixed Use Special District Project in the City of Walnut Creek

Dear Chairperson Irene Zwierlein,

After receiving your contact information from the Native American Heritage Commission (NAHC), the City of Walnut Creek sent two formal letters containing project information and an invitation to consult on the proposed Walnut Creek – Mixed Special Use District Project (proposed project). The first letter was sent on October 8, 2021, pursuant to Public Resources Code Section 21080.3.1 and 21080.3.2, Assembly Bill (AB) 52. Because the proposed project would also include a General Plan Amendment, a follow-up letter was sent on November 4, 2021, that included an invitation to consult on the project pursuant to Government Code Section 65351 Senate Bill (SB) 18.

The proposed project is located in the City of Walnut Creek, Contra Costa County, CA and is subject to compliance with the California Environmental Quality Act (CEQA). The City of Walnut Creek is the lead CEQA agency responsible for consulting with California Native American Tribes pursuant to both AB-52 and SB-18.

This third notification serves as an update to the proposed project description. Accordingly, this letter provides a brief, updated description of the proposed project, an updated location map, and lead agency contact information. Please note that pursuant to SB-18, a request for consultation must be received in writing within 90 days, on or before January 16, 2022, and shall provide the name of the tribe's designated lead contact person.

Project Description Update

The North Downtown Specific Plan (NDSP) area encompasses 191 acres and designates the proposed 6.2-acre Mixed Use Special District (Sites A, B, and C as shown in Exhibit 1) as well as the existing dealership site (Site D) and an approximately 0.82-acre property (Site E), located adjacent to Site A for Automobile

Sales/Service and Custom Manufacturing uses. The Applicant is proposing to amend the NDSP to create a new Auto Sales–Custom Manufacturing Mixed Use Special District overlay that would apply only to the 6.2-acre Mixed Use Special District (Sites A, B, and C as shown in Exhibit 1). These amendments would facilitate redevelopment of the approximately 6.2-acre site within the NDSP area (Sites A, B, and C, as shown in Exhibit 1), as well as the existing 1.42-acre site where Toyota Walnut Creek presently operates, Site D, and Site E. Sites D and E would be developed with uses consistent with the currently approved NDSP. The goal of the proposed amendments is to facilitate the retention, enhancement and long-term viability of the Applicant’s auto sales and service uses within the City in an economically viable manner by allowing for redevelopment of lands within the Mixed Use Special District with other multiple potential mixed uses including multi-family residential, hotel, or other non-residential uses compatible with automotive sales, service and ancillary uses.

In any redevelopment proposal under the NDSP (as amended), the Applicant would be required to retain and enhance its auto sales, service and ancillary uses in accordance with the criteria and policies set forth in the NDSP (as amended). Under all circumstances, the auto sales, service, and ancillary uses would include the following components: (1) sales (including administrative space), (2) service (including quick service, maintenance and repair (but not including any body work), detailing, car wash and administrative space), (3) parts (service and retail), and (4) inventory display.

The project site is located in the City of Walnut Creek, Contra Costa County, California. The project site is generally bounded by Pine Street (north), Civic Drive (east) Ygnacio Valley Road (south), and North Main Street (west).

Research Status

A CEQA Tribal Consultation List and search of the Sacred Lands File were requested the Native American Heritage Commission (NAHC) on July 22, 2021. On July 29, 2021, we received the NAHC response, indicating the results of the Sacred Lands search were negative. The list included the names and contact information of five tribal representatives, including yourself, that may be interested in consulting on the project pursuant to AB-52 and SB 18.

On July 27, 2021, a records search for the project site and a 0.5-mile radius beyond the project site boundary was conducted at the NWIC located at Sonoma State University in Rohnert Park, California. The current inventories of the National Register of Historic Places (NRHP), the California Register of Historical Resources (CRHR), the California Historical Landmarks (CHL) list, the California Points of Historical Interest (CPHI) list, and the California Built Environment Resource Directory (BERD) for Contra Costa County were also reviewed to determine the existence of previously documented local historical resources.

The results of the records search indicate that there are no previously recorded cultural resources or survey reports in the project site. There are four historic resources within a 0.5-mile radius of the project area. In addition, thirty-five survey reports are on file with the NWIC for a 0.5-mile radius of the project area. This suggests that while the project site itself has not been previously surveyed, the surrounding 0.5-mile radius have been assessed for cultural resources.

On September 2, 2021, and October 27, 2021 FCS Senior Archaeologist Dr. Dana DePietro and FCS Historian Ti Ngo conducted a pedestrian survey for unrecorded cultural resources within the project boundary. Sites A-E are completely developed and hardscaped, containing 12 structures relating to auto sales and maintenance, wrap around parking lots, associated infrastructure, and landscaping elements.

The survey began in the southwest corner of Site A and moved west across the sites, using north-south transects spaced at approximately 15-meter intervals whenever possible. Given the fully developed nature of Sites A-E, visibility of native soils was almost non-existent, however soils along the edges of the properties were closely inspected, and while highly disturbed, provided some information on soil profiles. Visible soils were largely composed of medium brown (Munsell 7.5YR 2.5) loam with moderate clay content, interspersed with small (2-3 cm) stones primarily composed of quartz and schist.

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Contact Information

The City of Walnut Creek lead contact for SB-18 Consultation on this project is:

Chip Griffin
Senior Planner
City of Walnut Creek Community and
Economic Development Department
1666 North Main Street
Walnut Creek, CA 94596

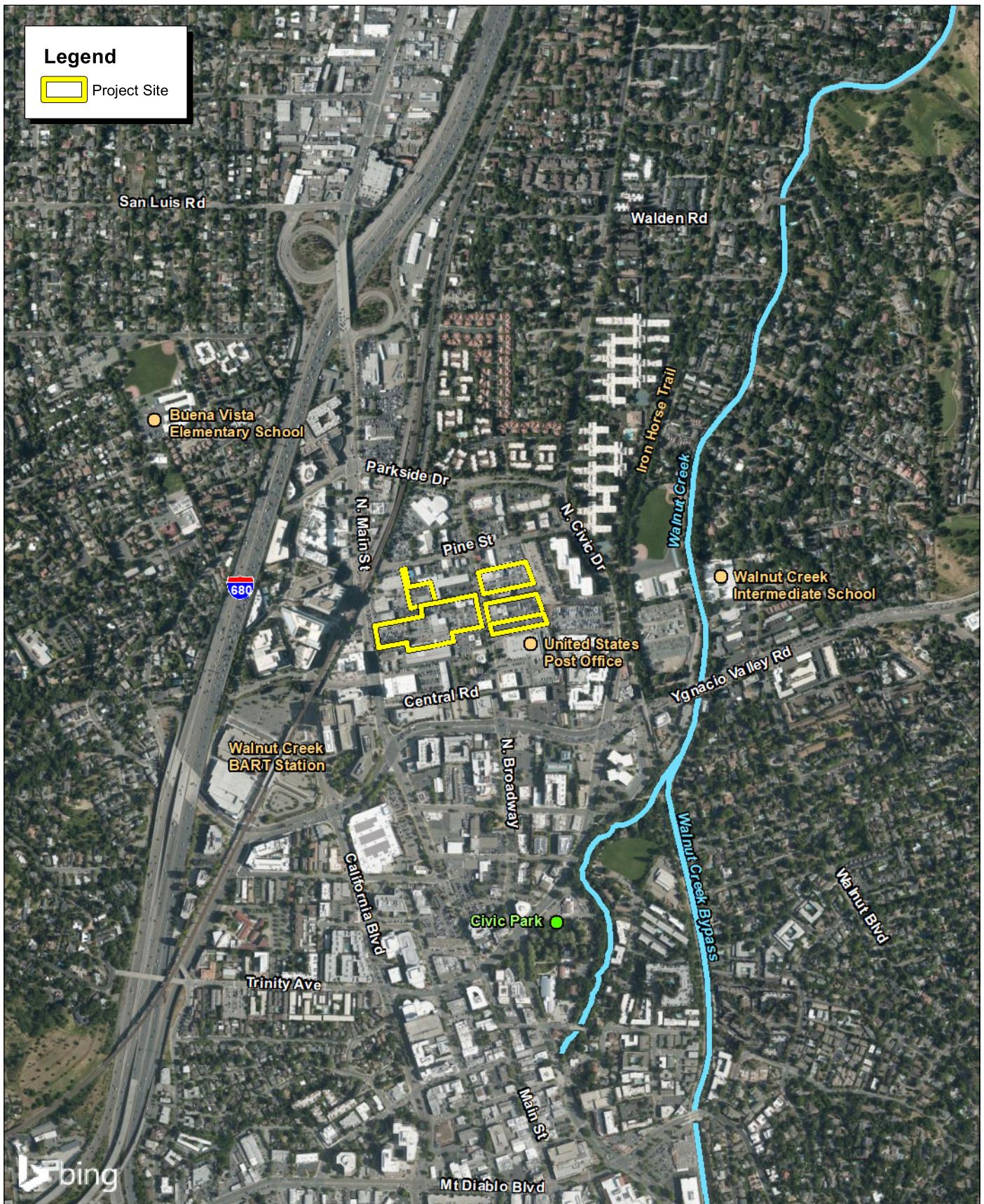
c/o Dana Douglas DePietro, Ph.D.
Senior Archaeologist
FirstCarbon Solutions
1350 Treat Boulevard, Ste. 380
Walnut Creek, CA 94597

If the Amah Mutsun Tribal Band of Mission San Juan Bautista wishes to consult with the City regarding the Walnut Creek – Mixed Use Special District project, please indicate in writing via letter or email addressed to the lead contact provided above within 90 days (on or before January 16, 2022) and provide the name of the tribe's designated lead contact person.

Sincerely,

Chip Griffin
Senior Planner

Enclosures: Exhibit 1: Existing Site Information
 Local Vicinity Map
 NAHC Response Letter



Source: bing Aerial Imagery.

FIRSTCARBON
SOLUTIONS™



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Feet

Local Vicinity Map

**NATIVE AMERICAN HERITAGE COMMISSION**

July 27, 2021

Dr. Dana DePietro
First Carbon SolutionsVia Email to: ddepietro@fcs-intl.comCHAIRPERSON
Laura Miranda
LuiseñoVICE CHAIRPERSON
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ChumashSECRETARY
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Pomo**NAHC HEADQUARTERS**
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(916) 373-3710
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Re: Native American Tribal Consultation, Pursuant to the Assembly Bill 52 (AB 52), Amendments to the California Environmental Quality Act (CEQA) (Chapter 532, Statutes of 2014), Public Resources Code Sections 5097.94 (m), 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2 and 21084.3, Walnut Creek-Mixed Use Special District, Contra Costa County

To Dr. DePietro:

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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 that have already been recorded on or adjacent to the APE, such as known archaeological sites;
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- Whether the records search indicates a low, moderate, or high probability that unrecorded cultural resources are located in the APE; and
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All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure in accordance with Government Code section 6254.10.

3. The result of any Sacred Lands File (SLF) check conducted through the Native American Heritage Commission was negative.

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

5. Any geotechnical reports regarding all or part of the APE.

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

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

If you receive notification of change of addresses and phone numbers from tribes, please notify the NAHC. With your assistance, we can assure that our consultation list remains current.

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

Sincerely,



Katy Sanchez
Associate Environmental Planner

Attachment

Native American Heritage Commission
Native American Contacts List
July 27, 2021

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July 27, 2021

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(916) 683-6015 Fax

Miwok



November 16, 2021

City of Walnut Creek
1666 North Main Street
Walnut Creek, CA 94596

RE: Walnut Creek – Mixed Use Special District Project

Dear Chip Griffin,

This letter constitutes a formal request for tribal consultation under the provisions of Senate Bill 18 for the participation in land use decisions and for the mitigation of potential project impacts to tribal cultural resource for the above referenced project.

The Tribe requests consultation on the following topics checked below, which shall be included in consultation if requested (Public Resources Code section 5097.9 and 5097.995:

- ☒ Open space designations
- ☒ Recommended mitigation measures
- ☒ Significant effects of the project
- ☒ Architectural design and/or landscape design, signage, historical landmarks, and land acknowledgments

The Tribe 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.
- ☒ Significance of the project's impacts on tribal cultural resources
- ☒ 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 considering 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 Tribe would like to receive any cultural resources assessments or other assessments that have been completed on all or part of the project's area of potential effect (APE), and area surrounding the 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 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 in the APE or surrounding the APE.
 - Whether the records search indicates a low, moderate, or high probability that unrecorded cultural resources are in the potential APE or surrounding the APE; and
 - If a survey is recommended by the Information Center to determine whether previously unrecorded cultural resources are present.
 - ✦ The Tribe requests to be present at any survey conducted on the Applicants behalf.
2. The results of any archaeological inventory survey that was conducted, including:
 - Any reports that may contain site forms, site significance, and suggested mitigation measures.
 - Any reports or inventories found under the Native American Graves Protection and Repatriation Act.
 - ✦ 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. All Wilton Rancheria correspondences shall be kept under this confidential section and only shared between the Tribe and lead agency.
3. The results of any Sacred Lands File (SLF) 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 or areas surrounding the APE; and
5. Any geotechnical reports regarding all or part of the potential APE or areas surrounding the APE.
 - The Tribe shall be notified before any geotechnical testing is planned. Geotechnical testing has potential to impact Tribal Cultural Resources and should be part of this consultation.

6. Aerial Map of the APE that depicts infrastructure, utility and/or trenching routes, enter and exit routes for equipment, staging areas, and any other proposed ground disturbance.
7. A diagram of known soil types with depths of each type i.e., borrowed soils, fill, or Native soils.

The information gathered will provide us with a better understanding of the project and will allow the Tribe to compare your records with our database.

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.

Please contact the Cultural Preservation Department, via email at cpd@wiltonrancheria-nsn.gov to set up a meeting.

Sincerely,

Wilton Rancheria



November 16, 2021

City of Walnut Creek
1666 North Main Street
Walnut Creek, CA 94596

RE: Walnut Creek – Mixed Use Special District Project

Dear Chip Griffin,

This letter constitutes a formal request for tribal consultation under the provisions of Senate Bill 18 for the participation in land use decisions and for the mitigation of potential project impacts to tribal cultural resource for the above referenced project.

The Tribe requests consultation on the following topics checked below, which shall be included in consultation if requested (Public Resources Code section 5097.9 and 5097.995:

- ☒ Open space designations
- ☒ Recommended mitigation measures
- ☒ Significant effects of the project
- ☒ Architectural design and/or landscape design, signage, historical landmarks, and land acknowledgments

The Tribe 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.
- ☒ Significance of the project's impacts on tribal cultural resources
- ☒ 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 considering 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 Tribe would like to receive any cultural resources assessments or other assessments that have been completed on all or part of the project's area of potential effect (APE), and area surrounding the 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 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 in the APE or surrounding the APE.
 - Whether the records search indicates a low, moderate, or high probability that unrecorded cultural resources are in the potential APE or surrounding the APE; and
 - If a survey is recommended by the Information Center to determine whether previously unrecorded cultural resources are present.
 - ✦ The Tribe requests to be present at any survey conducted on the Applicants behalf.
2. The results of any archaeological inventory survey that was conducted, including:
 - Any reports that may contain site forms, site significance, and suggested mitigation measures.
 - Any reports or inventories found under the Native American Graves Protection and Repatriation Act.
 - ✦ 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. All Wilton Rancheria correspondences shall be kept under this confidential section and only shared between the Tribe and lead agency.
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Please contact the Cultural Preservation Department, via email at cpd@wiltonrancheria-nsn.gov to set up a meeting.

Sincerely,

Wilton Rancheria

From: Corrina Gould <cvltribe@gmail.com>
Sent: Wednesday, December 15, 2021 3:14 PM
To: Chip Griffin <Griffin@walnut-creek.org>
Subject: Re: Walnut Creek Toyota additional information

Warning: this message is from an external user and should be treated with caution.

Hello,

Thank you for your email. The Tribe is requesting a copy of the final CHRIS and EIR for this project, along with archeological reports. Our physical address is: 10926 Edes Ave Oakland CA 94603 or if you would prefer to send them electronically, please send them to this email address.

'Uni (Respectfully),

Corrina Gould, Tribal Chair

Confederated Villages of Lisjan Tribe

On Fri, Dec 10, 2021 at 3:05 PM Chip Griffin <Griffin@walnut-creek.org> wrote:

Dear Corrina Gould

Attached is a copy of the recently sent SB-18 letter along with some graphics to help in your assessment of the subject project.

Thank you,



Chip Griffin

Senior Planner

Community Development Department

1666 N. Main Street, Walnut Creek, CA 94596

(925) 943-5899 x2678 www.walnut-creek.org

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- **All Planning services** are available **online** at walnut-creek.org/permits
- **In-person service** is available **by appointment only**. For more information on making an appointment and services offered visit walnut-creek.org/appointments
- **Development applications** (including Preliminary Review Team applications and requests for Zoning Compliance Letters) are **accepted via USPS and email**, provided those applications are also accompanied by payment.
- **Contact Us:** dutyplanner@walnut-creek.org or [925-256-3558](tel:925-256-3558)

From: Corrina Gould <cvltribe@gmail.com>
Sent: Wednesday, December 15, 2021 3:15 PM
To: Chip Griffin <Griffin@walnut-creek.org>
Subject: Re: Walnut Creek Toyota additional information

Warning: this message is from an external user and should be treated with caution.

Thank you for reaching out to the Tribe about the proposed project. At this time the Tribe has no further information to supply about the proposed site for this plan. As always we encourage developers in our traditional territories to remain cognizant of the facts that our tribal people lived all over the Bay Area and because of colonization and genocidal practices that reached into the late 19th century and early 20th Century, it is not always possible to know for certain if you may find cultural resources or burials at sites where you anticipate ground disturbance. The Tribe wishes to be contacted if there are any findings.

'Uni (Respectfully),

Corrina Gould, Tribal Chair
Confederated Villages of Lisjan Tribe

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Dear Corrina Gould

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Chip Griffin

Senior Planner

Community Development Department

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- **In-person service** is available **by appointment only**. For more information on making an appointment and services offered visit walnut-creek.org/appointments
- **Development applications** (including Preliminary Review Team applications and requests for Zoning Compliance Letters) are **accepted via USPS and email**, provided those applications are also accompanied by payment.
- **Contact Us:** dutyplanner@walnut-creek.org or 925-256-3558

Toyota Walnut Creek Mixed Use Special District - Tribal Consultation

Dana DePietro <ddepietro@fcs-intl.com>

Tue 1/4/2022 12:43 PM

To: cpd@wiltonrancheria-nsn.gov <cpd@wiltonrancheria-nsn.gov>

Cc: Darin Neufeld <Darin.Neufeld@weareharris.com>; griffin@walnut-creek.org <griffin@walnut-creek.org>; Liza Baskir <lbaskir@fcs-intl.com>

Dear THPO Hutchason,

Thank you for your comments and input on the City of Walnut Creek's proposed Toyota Mixed Use Special District. On behalf of the City and per your request, please find the following studies pertaining to the project attached:

- A Phase I Cultural Resources Assessment (CRA) conducted by FirstCarbon Solutions
- A Historic Built Environment Assessment (BEA) conducted by South Environmental
- A geotechnical hazards assessment conducted by ENGEO Incorporated

Please feel free to reach out to me directly if you have any questions about the attached reports, and wishing you and your colleagues an excellent start to the new year.

Very Best,

Dana DePietro

Dr. Dana Douglas DePietro

Director of Cultural Resources

FirstCarbon Solutions

(530) 219-1432

Toyota Walnut Creek Mixed Use Special District - Tribal Consultation

Dana DePietro <ddepietro@fcs-intl.com>

Tue 1/4/2022 12:30 PM

To: cvltribe@gmail.com <cvltribe@gmail.com>

Cc: Darin Neufeld <Darin.Neufeld@weareharris.com>; griffin@walnut-creek.org <griffin@walnut-creek.org>; Liza Baskir <lbaskir@fcs-intl.com>

 3 attachments (13 MB)

24440011 Toyota Walnut Creek Mixed Use CRA.pdf; BE Evaluation Report_Walnut Creek Mixed Use Project.pdf; F.1 Geologic Hazards Assessment Report.pdf;

Dear Chairperson Gould,

Thank you for your comments and input on the City of Walnut Creek's proposed Toyota Mixed Use Special District. On behalf of the City and per your request, please find the following studies pertaining to the project attached:

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Please feel free to reach out to me directly if you have any questions about the attached reports, and wishing you and your colleagues an excellent start to the new year.

Very Best,

Dana DePietro

Dr. Dana Douglas DePietro

Director of Cultural Resources

FirstCarbon Solutions

(530) 219-1432
